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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91215699
Party	Defendant Holaira, Inc.
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Submission	Defendant's Notice of Reliance
Filer's Name	Dennis Hansen
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Date	07/06/2015
Attachments	Applicant Notice of Reliance and Affidavit of Service.pdf(1049952 bytes ) Applicant Non-Confidential Exhibits 1-2 to Notice of Reliance.pdf(5394614 bytes ) Applicant Non-Confidential Exhibits 3-10 to Notice of Reliance.pdf(5297024 bytes ) Applicant Non-Confidential Exhibits 11-17 to Notice of Reliance.pdf(5703370 bytes ) Applicant Non-Confidential Exhibits 18-21 to Notice of Reliance.pdf(4616149 bytes ) Applicant Non-Confidential Exhibits 22-27 to Notice of Reliance.pdf(5904754 bytes ) Applicant Non-Confidential Exhibits 28-35 to Notice of Reliance.pdf(5358234 bytes ) Applicant Non-Confidential Exhibits 36-41 to Notice of Reliance.pdf(5512487 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/806,379  
Filed: December 19, 2012  
For the mark: HOLAIRA  
Published in the *Trademark Official Gazette* on December 3, 2013

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Boston Scientific Corporation and  
Asthmatx, Inc.

Opposition No. 91215699

Opposers,

**APPLICANT'S NOTICE OF RELIANCE**

v.

Holaira, Inc.

Applicant.

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Holaira, Inc. ("Applicant") hereby makes the following documents of record and notifies Opposers of its reliance on the following:

1. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of the following official records of the United States Patent and Trademark Office, showing the current status of the following trademark registrations, the relevance of which are specifically set forth in the table below:

<u>MARK</u>	<u>REGISTRATION</u>	<u>RELEVANCE</u>	<u>DATE PRINTED</u>	<u>EX.</u>
ADVAIR	2628568	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	July 3, 2015	1

		confusion		
ADVAIR DISKUS	2505137	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	2
AEROBID	1347122	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	3
AIR GUARD	3548868	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	4
AIRDELA	4028722	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	5
AIREGO	4571015	Strength of opposers' mark, similarity or	July 2, 2015	6

		dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
AIRFEV	4330882	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	7
AIRFIT	4569784	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	8
AIRFLUSOL	4277894	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	9
AIRGEL	4619361	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks	July 2, 2015	10

		in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
AIRLIFE	3150546	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	11
AIRSTAT	2446249	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	12
AIRWATCH	2006677	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	13
ALERE	2659940	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air	July 3, 2015	14

		for similar goods, and the extent of potential confusion		
ASPIRAIR	4004421	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	15
CAIRE	4163421	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	16
CAIRE	4163422	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	17
CIRCULAIRE	2144663	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	18

GENUAIR	4090022	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	19
HUMIDAIRE	2386753	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	20
MAXAIR	1523151	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	21
MAXAIR	3208459	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	22
NUAIR	3547148	Strength of opposers' mark, similarity or dissimilarity of the	July 2, 2015	23

		marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
NUAIR	4675553	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	24
PILAIRO	4148736	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	25
PRESSAIR	4298420	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	26
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4424929	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods,	July 3, 2015	27

		descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4424933	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	28
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL THE DIFFERENCE IS IN THE DESIGN	4425711	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	29
PROAIR HFA (ALBUTEROL SULFATE INHALATION AEROSOL	4720391	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	30
PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL	4720392	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and	July 3, 2015	31

		the extent of potential confusion		
PULMONAIRE	874778	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	32
QUATTRO AIR	4530535	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	33
SINGULAIR	2048127	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	34
SYLVAIR	4069614	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 2, 2015	35
TUDORZA	4490481	Strength of opposers'	July 2, 2015	36

PRESSAIR		mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
VENTILAIR	1566967	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	37
VITALAIRE	3882720	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	38
VITALAIRE	4654916	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	39
XOLAIR	2678068	Strength of opposers' mark, similarity or dissimilarity of the marks, number and	July 3, 2015	40

		nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion		
XOLAIR	2707154	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	41
XOLAIR	2998978	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	42
XOLAIR	3086141	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	July 3, 2015	43
ZENUAIR	3623195	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and	July 2, 2015	44

		common use of term air for similar goods, and the extent of potential confusion		
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2. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.08(b), Applicant submits copies of the following publicly available records printed from third-party websites, the relevance of which are specifically set forth in the table below:

<u>TITLE</u>	<u>RELEVANCE</u>	<u>WEBSITE</u>	<u>DATE PRINTED</u>	<u>EX.</u>
ProAir® (albuterol sulfate) Rescue Inhalers	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.myproair.com/">http://www.myproair.com/</a>	June 30, 2015	45
Allergic Asthma Medication XOLAIR® (Omalizumab)	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of	<a href="http://www.xolair.com/allergic-asthma?cid=xol_PS_MIXLAAWB0295_8&amp;c=MIXLAAWB0295">http://www.xolair.com/allergic-asthma?cid=xol_PS_MIXLAAWB0295_8&amp;c=MIXLAAWB0295</a>	June 30, 2015	46

	potential confusion			
Advair – Google Search	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="https://www.google.com/webhp?sourceid=chrome-instant&amp;ion=1&amp;espv=2&amp;ie=UTF-8#q=advair">https://www.google.com/webhp?sourceid=chrome-instant&amp;ion=1&amp;espv=2&amp;ie=UTF-8#q=advair</a>	June 30, 2015	47
ADVAIR for Asthma Treatment and COPD Treatment   ADVAIR.com	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.advair.com/">http://www.advair.com/</a>	July 1, 2015	48
Maxair Autohaler	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness	<a href="http://web.archive.org/web/20110903185717/http://www.maxair.com/">http://web.archive.org/web/20110903185717/http://www.maxair.com/</a>	June 30, 2015	49

	and common use of term air for similar goods, and the extent of potential confusion			
Alere Global A Leader in Rapid PointofCare Diagnostics	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.alere.com/ww/en.html">http://www.alere.com/ww/en.html</a>	June 30, 2015	50
Circulaire® II HighEfficiency Aerosol Drug Delivery System	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://westmedinc.com/circulaireii/">http://westmedinc.com/circulaireii/</a>	June 30, 2015	51
Drug Free Remedy for Hay Fever and Allergic Rhinitis	Strength of opposers' mark, similarity or dissimilarity of the marks, number and	<a href="http://www.galaxy.com/rvw90280943/">http://www.galaxy.com/rvw90280943/</a> DrugFreeRemedyforHayFever andAllergicRhinitisNasalAirG	June 30, 2015	52

NasalAir Guard	nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	uard.Htm		
CTC Forum • View topic NasalAir Guard	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://forum.ctc.org.uk/viewtopic.php?f=5&amp;t=954">http://forum.ctc.org.uk/viewtopic.php?f=5&amp;t=954</a>	June 30, 2015	53
Flaem Aerosol Therapy Nebulair	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.flaem.it/en/flaem/1/aerosol_therapy/69/nebulair">http://www.flaem.it/en/flaem/1/aerosol_therapy/69/nebulair</a>	July 1, 2015	54
"pilairo"	Strength of opposers' mark,	<a href="https://www.google.com/webhp?sourceid=chromeinstant&amp;io">https://www.google.com/webhp?sourceid=chromeinstant&amp;io</a>	June 30, 2015	55

Google Search	similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	n=1&espv=2&ie=UTF8#q=%22pilairo%22		
SINGULAIR® (montelukast sodium)	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.merck.com/product/usa/pi_circulars/s/singulair/singulair.html">http://www.merck.com/product/usa/pi_circulars/s/singulair/singulair.html</a>	June 30, 2015	56
VENTILAIR II compressor	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	<a href="https://www.hamilton-medical.com/en_US/Products/Respiratory-care-supplies/VENTILAIR-II-compressor.html">https://www.hamilton-medical.com/en_US/Products/Respiratory-care-supplies/VENTILAIR-II-compressor.html</a>	July 1, 2015	57

	confusion			
Home Healthcare - Medical Gases - VitalAire	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="https://www.vitalaire.com/">https://www.vitalaire.com/</a>	July 1, 2015	58
Airguard Medical CT Mask Cold Air Face Mask   Perfect Present Store	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="https://www.the-perfect-present.com/PolarWrap/winter-face-mask.html">https://www.the-perfect-present.com/PolarWrap/winter-face-mask.html</a>	July 2, 2015	59
Sandoz receives first approval for AirFluSal® Forspiro®   Novartis	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use	<a href="https://www.novartis.com/news/media-releases/sandoz-receives-first-approval-airflusal%C2%AE-forspiro%C2%AE">https://www.novartis.com/news/media-releases/sandoz-receives-first-approval-airflusal%C2%AE-forspiro%C2%AE</a>	July 2, 2015	60

	of term air for similar goods, and the extent of potential confusion			
airflusal inhaler - Google Search	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="https://www.google.com/">https://www.google.com/</a>	July 2, 2015	61
Welcome to Sleepnet - Sleep Apnea and Respiratory Masks	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.sleepnetmasks.com/">http://www.sleepnetmasks.com /</a>	July 2, 2015	62
ResMed Changing lives with every breath	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar	<a href="http://www.resmed.com/us/en/consumer/products/masks.html">http://www.resmed.com/us/en/consumer/products/masks.html</a>	July 2, 2015	63

	marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
ResMed - HumidAire 3i™	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.resmed.com/int/products/humidaire_3i/humidaire-3i.html?nc=patients">http://www.resmed.com/int/products/humidaire_3i/humidaire-3i.html?nc=patients</a>	July 2, 2015	64
HumidAire 2i™	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.resmed.com/int/products/humidaire_2i/humidaire-2i.html?nc=patients">http://www.resmed.com/int/products/humidaire_2i/humidaire-2i.html?nc=patients</a>	July 2, 2015	65
The Genuair® inhaler: a	Strength of opposers' mark, similarity or	<a href="http://www.ncbi.nlm.nih.gov/pubmed/22340451">http://www.ncbi.nlm.nih.gov/pubmed/22340451</a>	July 2, 2015	66

novel, multidose dry powder inhaler. - PubMed - NCBI	dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
Innovative respiratory inhaler Airflusal® Forspiro® receives Alufoil Trophy 2015	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.evaluategroup.com/Universal/View.aspx?type=Story&amp;id=568646">http://www.evaluategroup.com/Universal/View.aspx?type=Story&amp;id=568646</a>	July 2, 2015	67
CAIRE Medical Chart Industries	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential	<a href="http://www.chartindustries.com/Businesses/CAIRE-Medical">http://www.chartindustries.com/Businesses/CAIRE-Medical</a>	July 2, 2015	68

	confusion			
AirLife® Consumables, Resuscitation, Oxygen Therapy - CareFusion	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.carefusion.com/medical-products/carefusion-brands/airlife/">http://www.carefusion.com/medical-products/carefusion-brands/airlife/</a>	July 2, 2015	69
AirLife® Respiratory Products, Respiratory Therapy - CareFusion	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.carefusion.com/medical-products/respiratory/consumables/">http://www.carefusion.com/medical-products/respiratory/consumables/</a>	July 2, 2015	70
AstraZeneca - Duaklir® Genuair® approved in the European Union for chronic obstructive pulmonary	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use	<a href="http://www.astrazeneca.com/Media/Press-releases/Article/20141124--duaklir-genuair-approved-in-the-european-union">http://www.astrazeneca.com/Media/Press-releases/Article/20141124--duaklir-genuair-approved-in-the-european-union</a>	July 2, 2015	71

disease	of term air for similar goods, and the extent of potential confusion			
iMetrikus - D2M   Design to MatterD2M   Design to Matter	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://d2m-inc.com/portfolio/air-watch/">http://d2m-inc.com/portfolio/air-watch/</a>	July 2, 2015	72
F&P Pilairo Q	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="https://www.fphcare.com/sleep-apnea/masks/nasal-pillows-masks/f-p-pilairo-q/">https://www.fphcare.com/sleep-apnea/masks/nasal-pillows-masks/f-p-pilairo-q/</a>	July 6, 2015	73
Official Site - TUDORZA® PRESSAIR &res; (aclidinium	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar	<a href="http://www.tudorzahcp.com/">http://www.tudorzahcp.com/</a>	July 6, 2015	74

bromide inhalation powder)	marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion			
Used Jones Medical, Pulmonaire 10, Spirometer for Sale - 915053321	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.medwow.com/used-spirometer/jones-medical/pulmonaire-10/915053321.item">http://www.medwow.com/used-spirometer/jones-medical/pulmonaire-10/915053321.item</a>	July 6, 2015	75
Quattro Air Full Face Mask   CPAP Masks for ResMed	Strength of opposers' mark, similarity or dissimilarity of the marks, number and nature of similar marks in use on similar goods, descriptiveness and common use of term air for similar goods, and the extent of potential confusion	<a href="http://www.resmed.com/us/en/consumer/products/masks/quattro-air.html">http://www.resmed.com/us/en/consumer/products/masks/quattro-air.html</a>	July 6, 2015	76

3. Pursuant to 37 C.F.R. § 2.120(j)(3)(i); TBMP § 704.10, Applicant submits the definitions for Holaira, Inc.'s First Set of Interrogatories to Opposers and Opposers' Answers to Holaira, Inc.'s First Set of Interrogatories attached as Exhibits 77 and 78, respectively.
4. Pursuant to 37 C.F.R. § 2.120(j)(3)(i); TBMP § 704.10, Applicant submits Opposers' Confidential Answers to Holaira, Inc.'s First Set of Interrogatories attached as Exhibit 79 (SUBMITTED UNDER SEAL).
5. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of records of the United States Patent and Trademark Office, reflecting the Petition for Cancellation in TTAB proceeding 92051129, which is relevant to the strength of Opposers' mark and the similarity (lack thereof) of the marks attached as Exhibit 80.
6. Pursuant to 37 C.F.R. § 2.122(e); TBMP § 704.07, Applicant submits copies of official records of the Patent and Trademark Office, reflecting the Answer in TTAB proceeding 92051129, which is relevant to the strength of Opposers' mark and the similarity (lack thereof) of the marks as Exhibit 81.

Respectfully Submitted,

**OPPENHEIMER WOLFF & DONNELLY LLP**

Dated: July 6, 2015

By: \_\_\_\_\_

Barbara J. Grahn  
Dennis E. Hansen

Campbell Mithun Tower  
222 South Ninth Street  
Suite 2000  
Minneapolis, MN 55402-3338  
Telephone: 612.607.7000  
Facsimile: 612.607.7100  
Email: *bgrahn@oppenheimer.com*  
*dhansen@oppenheimer.com*

**ATTORNEYS FOR APPLICANT  
HOLAIRA, INC.**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 85/806,379  
Filed: December 19, 2012  
For the mark: HOLAIRA  
Published in the *Trademark Official Gazette* on December 3, 2013

---

Boston Scientific Corporation and  
Asthmatx, Inc.

Opposition No. 91215699

Opposers,

v.

**AFFIDAVIT OF SERVICE  
BY UNITED STATES MAIL**

Holaira, Inc.

Applicant.

---

STATE OF MINNESOTA    )  
  ) ss.  
COUNTY OF HENNEPIN    )

Kathleen Peterson, being first duly sworn upon oath, states that on July 6, 2015, she served the attached:

1. Applicant's Notice of Reliance;

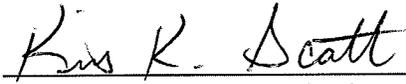
upon the within named counsel by United States Mail, using an envelope addressed as set forth below, with postage prepaid, and depositing the same in the United States Mail at Minneapolis, Minnesota:

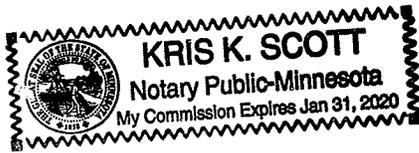
Timothy D. Sitzmann, Esq.  
Stephen R. Baird, Esq  
Bradley J. Walz, Esq.  
Winthrop & Weinstine  
Capella Tower, Suite 3500  
225 South Sixth Street  
Minneapolis, MN 55402-4629

*Attorneys for Opposers*

  
KATHLEEN PETERSON

Subscribed and sworn to before  
this 6th day of July, 2015

  
Notary Public – State of Minnesota



# APPLICANT'S EXHIBIT 1



Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** Christopher M. Hanes  
GLAXOSMITHKLINE  
LGTM, C.3157.3D  
FIVE MOORE DRIVE  
RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709  
UNITED STATES

**Phone:** 919 483 2723

**Fax:** 704 625 9190

**Correspondent e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative**

**Domestic Representative Name:** Christopher M. Hanes

**Phone:** 919 483 2723

**Fax:** 704 625 9190

**Domestic Representative e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com)

**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
May 15, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 03, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Apr. 03, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Apr. 03, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	73376
Mar. 30, 2012	TEAS SECTION 8 & 9 RECEIVED	
Aug. 18, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 18, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 12, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 09, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 27, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Sep. 24, 2008	ASSIGNED TO PARALEGAL	73376
Sep. 22, 2008	TEAS SECTION 8 & 15 RECEIVED	
Feb. 01, 2008	CASE FILE IN TICRS	
Oct. 01, 2002	REGISTERED-PRINCIPAL REGISTER	
Jun. 04, 2002	PAPER RECEIVED	
Jun. 12, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Oct. 22, 2001	ASSIGNED TO EXAMINER	75516
Oct. 12, 2001	STATEMENT OF USE PROCESSING COMPLETE	
May 11, 2001	USE AMENDMENT FILED	
Apr. 10, 2001	EXTENSION 2 GRANTED	
Nov. 21, 2000	EXTENSION 2 FILED	
Oct. 10, 2000	EXTENSION 1 GRANTED	
Jun. 28, 2000	EXTENSION 1 FILED	
Jul. 17, 2001	PETITION TO REVIVE-GRANTED	
Sep. 21, 2000	PETITION TO REVIVE-RECEIVED	
Aug. 29, 2000	ABANDONMENT - NO USE STATEMENT FILED	
Dec. 28, 1999	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 05, 1999	PUBLISHED FOR OPPOSITION	
Sep. 03, 1999	NOTICE OF PUBLICATION	
Jun. 17, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 10, 1999	ASSIGNED TO EXAMINER	76614

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Oct. 01, 2012

### TM Staff and Location Information

#### TM Staff Information - None

##### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Apr. 03, 2012

### Assignment Abstract Of Title Information

#### Summary

Total Assignments: 2

Registrant: Glaxo Group Limited

#### Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4913/0266

Pages: 160

Date Recorded: Dec. 05, 2012

Supporting Documents: [assignment-tm-4913-0266.pdf](#)

#### Assignor

Name: GLAXO GROUP LIMITED

Execution Date: Oct. 01, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

#### Assignee

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD  
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

#### Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

#### Domestic Representative

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

#### Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5022/0083

Pages: 366

Date Recorded: May 07, 2013

Supporting Documents: [assignment-tm-5022-0083.pdf](#)

#### Assignor

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Execution Date: Mar. 27, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

#### Assignee

Name: GLAXO GROUP LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD  
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

#### Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

**Domestic Representative**

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

**Proceedings**

**Summary**

Number of Proceedings: 5

**Type of Proceeding: Extension of Time**

Proceeding Number: 76046054

Filing Date:

Status: Terminated

Status Date: Jul 02, 2003

Interlocutory Attorney:

**Defendant**

Name: Bayer Aktiengesellschaft

Correspondent Address: STANLEY C. MACEL, III  
CONNOLLY BOVE LODGE & HUTZ, LLP  
THE NEMOURS BUILDING 1007 NORTH ORANGE S TREET  
WILMINGTON DE , 19801  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SPEVAIR	Abandoned - After Inter-Partes Decision	<u>76046054</u>	

**Potential Opposer(s)**

Name: Glaxo Group Limited

Correspondent Address: PO Box 13398  
Five Moore Drive  
Research Triangle Pa NC , 27709  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>

Name: GLAXO GROUP LIMITED

Correspondent Address: DAVID A. HARLOW  
MOORE & VAN ALLEN PLLC  
2200 WEST MAIN STREET, SUITE 800  
DURHAM NC , 27705-4658  
UNITED STATES

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 23, 2002	
2	EXTENSION OF TIME GRANTED	Feb 27, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 04, 2002	
4	EXTENSION OF TIME GRANTED	Feb 27, 2003	
5	INCOMING - EXT TIME TO OPPOSE FILED	Dec 03, 2002	
6	EXTENSION OF TIME GRANTED	Feb 27, 2003	
7	INCOMING - EXT TIME TO OPPOSE FILED	Jan 31, 2003	
8	EXTENSION OF TIME GRANTED	Feb 27, 2003	
9	INCOMING - EXT TIME TO OPPOSE FILED	Mar 31, 2003	
10	EXTENSION OF TIME GRANTED	Apr 08, 2003	
11	TERMINATED	Aug 27, 2003	

**Type of Proceeding: Cancellation**

Proceeding Number: 92057507

Filing Date: Jul 12, 2013

Status: Terminated

Status Date: Nov 19, 2013

Interlocutory Attorney: CHERYL S GOODMAN

**Defendant**

Name: Stallergenes SA

Correspondent Address: MARK A NIEDS  
IPHORGAN LTD  
1130 W LAKE COOK RD, STE 240  
BUFFALO GROVE IL , 60089  
UNITED STATES

Correspondent e-mail: [mnieds@iphorgan.net](mailto:mnieds@iphorgan.net) , [mail@iphorgan.net](mailto:mail@iphorgan.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ACTAIR	IR CANCELLED; US REGISTRATION CANCELLED	<u>79078420</u>	<u>3860970</u>

**Plaintiff(s)**

Name: Glaxo Group Limited

Correspondent Address: PAUL C LLEWELLYN  
KAYE SCHOLER LLP  
425 PARK AVENUE  
NEW YORK NY , 10022-3598  
UNITED STATES

Correspondent e-mail: [paul.llewellyn@kayescholer.com](mailto:paul.llewellyn@kayescholer.com), [john.rynkiewicz@kayescholer.com](mailto:john.rynkiewicz@kayescholer.com), [darya.laufer@kayescholer.com](mailto:darya.laufer@kayescholer.com), [john.eisheid@kayescholer.com](mailto:john.eisheid@kayescholer.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 12, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 15, 2013	Aug 24, 2013
3	PENDING, INSTITUTED	Jul 15, 2013	
4	PL'S PROOF OF SERVICE	Jul 15, 2013	
5	STIP FOR EXT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Aug 21, 2013	
7	ANSWER	Sep 20, 2013	
8	VOLUNTARY SURRENDER OF REGISTRATION	Oct 21, 2013	
9	BD DECISION: DISMISSED W/O PREJ	Nov 18, 2013	
10	COMMR ORDER CANCELLING REG	Nov 19, 2013	
11	TERMINATED	Nov 19, 2013	

**Type of Proceeding: Opposition**

Proceeding Number: 91181284

Filing Date: May 17, 2013

Status: Terminated

Status Date: May 21, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: Bang & Olufsen Medicom A/S

Correspondent Address: BASSAM N IBRAHIM  
BUCHANAN INGERSOLL & ROONEY PC  
PO BOX 1404  
ALEXANDRIA VA , 22313-1404  
UNITED STATES

Correspondent e-mail: [lloyd.smith@bipc.com](mailto:lloyd.smith@bipc.com) , [boa@medicomnordic.com](mailto:boa@medicomnordic.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ASMAIR	IR CANCELLED; US APPLICATION ABANDONED	<u>79033705</u>	

**Plaintiff(s)**

**Name:** Glaxo Group Limited

**Correspondent Address:** KEITH E SHARKIN  
DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK NY , 10019-6708  
UNITED STATES

**Correspondent e-mail:** [sharkink@dicksteinshapiro.com](mailto:sharkink@dicksteinshapiro.com) , [lackerto@dicksteinshapiro.com](mailto:lackerto@dicksteinshapiro.com) , [goodwillj@dicksteinshapiro.com](mailto:goodwillj@dicksteinshapiro.com) , [ipdocketing-ny@dicksteinshapiro.com](mailto:ipdocketing-ny@dicksteinshapiro.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR	Cancelled - Section 8	<u>76114821</u>	<u>2636615</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>
ADVAIR "DISKUS"	Cancelled - Section 8	<u>76114822</u>	<u>2716959</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2007	Jan 23, 2008
3	PENDING, INSTITUTED	Dec 14, 2007	
4	ANSWER	Jan 23, 2008	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 21, 2008	
6	EXTENSION OF TIME GRANTED	Apr 07, 2008	
7	D'S FILING OF INITIAL DISCLOSURES	Apr 22, 2008	
8	INITIAL DISCLOSURES NOT CONSIDERED	Apr 29, 2008	
9	STIPULATION FOR AN EXTENSION OF TIME	Jun 09, 2008	
10	EXTENSION OF TIME GRANTED	Jun 09, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 17, 2008	
12	EXTENSION OF TIME GRANTED	Jul 17, 2008	
13	STIPULATION FOR AN EXTENSION OF TIME	Sep 23, 2008	
14	EXTENSION OF TIME GRANTED	Sep 23, 2008	
15	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2008	
16	EXTENSION OF TIME GRANTED	Dec 15, 2008	
17	STIPULATION FOR AN EXTENSION OF TIME	Jan 16, 2009	
18	EXTENSION OF TIME GRANTED	Jan 16, 2009	
19	STIPULATION FOR AN EXTENSION OF TIME	Mar 25, 2009	
20	EXTENSION OF TIME GRANTED	Mar 25, 2009	
21	STIPULATION FOR AN EXTENSION OF TIME	May 13, 2009	
22	EXTENSION OF TIME GRANTED	May 13, 2009	
23	STIPULATION FOR AN EXTENSION OF TIME	Jul 16, 2009	
24	EXTENSION OF TIME GRANTED	Jul 16, 2009	
25	STIPULATION FOR AN EXTENSION OF TIME	Sep 15, 2009	
26	EXTENSION OF TIME GRANTED	Sep 15, 2009	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 24, 2009	
28	EXTENSION OF TIME GRANTED	Nov 24, 2009	
29	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2010	
30	EXTENSION OF TIME GRANTED	Feb 08, 2010	
31	CHANGE OF CORRESPONDENCE ADDRESS	May 27, 2010	
32	STIPULATION FOR AN EXTENSION OF TIME	May 28, 2010	
33	EXTENSION OF TIME GRANTED	May 28, 2010	
34	STIPULATION FOR AN EXTENSION OF TIME	Jul 26, 2010	

35	EXTENSION OF TIME GRANTED	Jul 26, 2010
36	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2010
37	EXTENSION OF TIME GRANTED	Sep 22, 2010
38	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010
39	EXTENSION OF TIME GRANTED	Dec 06, 2010
40	STIPULATION FOR AN EXTENSION OF TIME	Jan 18, 2011
41	EXTENSION OF TIME GRANTED	Jan 18, 2011
42	STIPULATION FOR AN EXTENSION OF TIME	Mar 28, 2011
43	EXTENSION OF TIME GRANTED	Mar 28, 2011
44	STIPULATION FOR AN EXTENSION OF TIME	May 23, 2011
45	EXTENSION OF TIME GRANTED	May 23, 2011
46	STIPULATION FOR AN EXTENSION OF TIME	Aug 18, 2011
47	EXTENSION OF TIME GRANTED	Aug 18, 2011
48	STIPULATION FOR AN EXTENSION OF TIME	Nov 21, 2011
49	EXTENSION OF TIME GRANTED	Nov 21, 2011
50	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2012
51	EXTENSION OF TIME GRANTED	Feb 13, 2012
52	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2012
53	EXTENSION OF TIME GRANTED	May 11, 2012
54	STIPULATION FOR AN EXTENSION OF TIME	Aug 01, 2012
55	EXTENSION OF TIME GRANTED	Aug 01, 2012
56	STIPULATION FOR AN EXTENSION OF TIME	Nov 20, 2012
57	EXTENSION OF TIME GRANTED	Nov 20, 2012
58	STIPULATION FOR AN EXTENSION OF TIME	Jan 23, 2013
59	EXTENSION OF TIME GRANTED	Jan 23, 2013
60	STIP FOR EXT	Mar 11, 2013
61	EXTENSION OF TIME GRANTED	Mar 11, 2013
62	P MOT FOR EXT W/ CONSENT	May 17, 2013
63	BD DECISION: SUSTAINED	May 21, 2013
64	TERMINATED	May 21, 2013

**Type of Proceeding: Cancellation**

Proceeding Number: 92032617

Filing Date: Nov 16, 2001

Status: Terminated

Status Date: Sep 19, 2006

Interlocutory Attorney: JYLL S TAYLOR

**Defendant**

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL III  
 CONNOLLY BOVE LODGE & HUTZ LLP  
 THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET  
 WILMINGTON DE , 19801  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
INNOVAIR	Cancelled - Section 18	<u>75771281</u>	<u>2443917</u>

**Plaintiff(s)**

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS  
 PARKER POE ADAMS & BERNSTEIN LLP  
 P.O. BOX 389, 1400 WACHOVIA CAPITOL CENTER  
 RALEIGH NC , 27602-0389  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration
------	--------------------	---------------	--------------

			Number
ADVAIR		Renewed	<u>75595007</u> <u>2628568</u>
Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 16, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2001	Jan 23, 2002
3	PENDING, INSTITUTED	Dec 14, 2001	
4	ANSWER	Jan 22, 2002	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jul 01, 2002	
6	GRANTED P'S #5	Aug 15, 2002	
7	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 08, 2003	
8	GRANTED P'S #7	Apr 16, 2003	
9	P'S MOTION TO EXT W/CON	Apr 14, 2003	
10	DELETE ENTRY	Apr 28, 2003	
11	SUSPENDED	Apr 28, 2003	
12	D'S CHANGE OF ADDRESS	Sep 05, 2003	
13	PROCEEDINGS RESUMED	Dec 23, 2003	
14	OTHER FILING	Feb 20, 2004	
15	CHANGE OF ADDRESS	Feb 09, 2004	
16	PL'S CHANGE OF ADDRESS AND FIRM NAME	Feb 09, 2004	
17	OTHER FILING	Dec 09, 2004	
18	PL'S POWER OF ATTY	Dec 03, 2004	
19	DEF'S CANC OF REG W/CON	Dec 30, 2004	
20	BOARD'S DECISION: GRANTED	Mar 18, 2005	
21	COMMISSIONER'S ORDER CANCELLING THE REGISTRATION UNDER SECTION 7(E)	Sep 19, 2006	
22	TERMINATED	Sep 19, 2006	
23	TERMINATED	Sep 19, 2006	

**Type of Proceeding: Opposition**

Proceeding Number: 91150552

Filing Date: Oct 30, 2001

Status: Terminated

Status Date: Feb 09, 2005

Interlocutory Attorney: THOMAS W WELLINGTON

**Defendant**

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL, III  
 CONNOLLY BOVE LODGE & HUTZ, LLP  
 THE NEMOURS BUILDING 1007 NORTH ORANGE STREET  
 WILMINGTON DE , 19801  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SPEVAIR	Abandoned - After Inter-Partes Decision	<u>76046054</u>	

**Plaintiff(s)**

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS  
 PARKER POE ADAMS & BERNSTEIN  
 P.O. BOX 389 1400 WACHOVIA CAPITOL CENTER  
 RALEIGH NC , 27602-0389  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>

**Prosecution History**

Entry

Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 30, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 24, 2002	Mar 05, 2002
3	PENDING, INSTITUTED	Jan 24, 2002	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2002	
5	EXTENSION GRANTED; ANSWER DUE 4/4/02	Mar 08, 2002	
6	STIPULATED MOTION TO EXTEND	Jun 28, 2002	
7	D'S MOTION FOR AN EXTENSION OF TIME	Jul 01, 2002	
8	SUSPENDED	Aug 09, 2002	
9	PROC RESUMED; ANSWER DUE 30 DAYS	Mar 25, 2003	
10	DEF'S MOTION FOR EXTENSION OF TIME TO FILE ANSWER	Jun 17, 2003	
11	EXT GRANTED; ANSWER DUE 8/22/03	Jul 25, 2003	
12	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Aug 12, 2003	
13	SUSPENDED	Aug 22, 2003	
14	NOTICE OF CHANGE OF ADDRESS	Sep 05, 2003	
15	CHANGE OF ADDRESS AND FIRM NAME OF OPPOSER	Feb 09, 2004	
16	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Feb 20, 2004	
17	STIPULATION NOTED AND APPROVED	Apr 07, 2004	
18	OTHER FILING	Dec 09, 2004	
19	CHANGE OF ATTORNEY OF RECORD	Dec 16, 2004	
20	STIP W/D OF APPLICATION	Dec 30, 2004	
21	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 09, 2005	
22	TERMINATED	Feb 09, 2005	

# APPLICANT'S EXHIBIT 2



## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Christopher M. Hanes **Docket Number:** REN/266993/0  
**Attorney Primary Email Address:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Christopher M. Hanes  
 GLAXOSMITHKLINE  
 FIVE MOORE DRIVE  
 LGTM, C.3157.3D  
 RESEARCH TRIANGLE PARK, NORTH CAROLINA 27709  
 UNITED STATES  
**Phone:** 919 483 2723 **Fax:** 704 625 9190  
**Correspondent e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Diane K. Fry **Phone:** 919 483 9618  
**Fax:** 704 625 9190  
**Domestic Representative e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
May 15, 2013	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 12, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Feb. 08, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Feb. 08, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 04, 2011	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	73376
Feb. 08, 2011	REVIEW OF CORRESPONDENCE COMPLETE	73376
Feb. 08, 2011	REVIEW OF CORRESPONDENCE COMPLETE	73376
Feb. 04, 2011	TEAS SECTION 8 & 9 RECEIVED	
May 12, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 06, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Nov. 06, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Nov. 24, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Oct. 29, 2007	ASSIGNED TO PARALEGAL	73376
Oct. 17, 2007	TEAS SECTION 8 & 15 RECEIVED	
Oct. 17, 2007	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 17, 2007	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 12, 2007	CASE FILE IN TICRS	
Nov. 06, 2001	REGISTERED-PRINCIPAL REGISTER	
Jun. 12, 2001	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 12, 2001	ASSIGNED TO EXAMINER	74829
Jun. 08, 2001	STATEMENT OF USE PROCESSING COMPLETE	
May 25, 2001	EXTENSION 2 GRANTED	
May 11, 2001	USE AMENDMENT FILED	
May 11, 2001	EXTENSION 2 FILED	
Feb. 21, 2001	EXTENSION 1 GRANTED	
Jan. 15, 2001	EXTENSION 1 FILED	
Aug. 01, 2000	NOA MAILED - SOU REQUIRED FROM APPLICANT	
May 09, 2000	PUBLISHED FOR OPPOSITION	
Apr. 08, 2000	NOTICE OF PUBLICATION	

Dec. 27, 1999 APPROVED FOR PUB - PRINCIPAL REGISTER  
Dec. 20, 1999 EXAMINER'S AMENDMENT MAILED  
Nov. 23, 1999 EXAMINER'S AMENDMENT MAILED  
Oct. 25, 1999 EXAMINER'S AMENDMENT MAILED  
Oct. 01, 1999 NON-FINAL ACTION MAILED  
Sep. 09, 1999 ASSIGNED TO EXAMINER

76516

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Nov. 06, 2011

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Feb. 08, 2011

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 2

Registrant: Glaxo Group Limited

### Assignment 1 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4913/0266

Pages: 160

Date Recorded: Dec. 05, 2012

Supporting Documents: [assignment-tm-4913-0266.pdf](#)

### Assignor

Name: GLAXO GROUP LIMITED

Execution Date: Oct. 01, 2011

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

### Assignee

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 980 GREAT WEST ROAD  
BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

### Correspondent

Correspondent Name: CHRISTOPHER M. HANES

Correspondent Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

### Domestic Representative

Domestic Representative Name: CHRISTOPHER M. HANES

Domestic Representative Address: FIVE MOORE DRIVE  
LGTM, C.3157.3D  
RESEARCH TRIANGLE PA, NC 27709

### Assignment 2 of 2

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5022/0083

Pages: 366

Date Recorded: May 07, 2013

Supporting Documents: [assignment-tm-5022-0083.pdf](#)

### Assignor

Name: GLAXOSMITHKLINE INTELLECTUAL PROPERTY MANAGEMENT LIMITED

Execution Date: Mar. 27, 2013

Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

**Assignee**

**Name:** GLAXO GROUP LIMITED  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** UNITED KINGDOM  
**Address:** 980 GREAT WEST ROAD  
 BRENTFORD MIDDLESEX, UNITED KINGDOM TW8 9GS

**Correspondent**

**Correspondent Name:** CHRISTOPHER M. HANES  
**Correspondent Address:** FIVE MOORE DRIVE  
 LGTM, C.3157.3D  
 RESEARCH TRIANGLE PA, NC 27709

**Domestic Representative**

**Domestic Representative Name:** CHRISTOPHER M. HANES  
**Domestic Representative Address:** FIVE MOORE DRIVE  
 LGTM, C.3157.3D  
 RESEARCH TRIANGLE PA, NC 27709

**Proceedings****Summary**

**Number of Proceedings:** 6

**Type of Proceeding: Extension of Time**

**Proceeding Number:** 76046053 **Filing Date:**  
**Status:** Terminated **Status Date:** Apr 23, 2003  
**Interlocutory Attorney:**

**Defendant**

**Name:** Bayer Aktiengesellschaft  
**Correspondent Address:** STANLEY C. MACEL, III  
 CONNOLLY BOVE LODGE & HUTZ LLP  
 PO BOX 2207  
 WILMINGTON DE , 19899-2207  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MIRIVAIR	Abandoned - After Inter-Partes Decision	<u>76046053</u>	

**Potential Opposer(s)**

**Name:** Glaxo Group Limited  
**Correspondent Address:** P.O. Box 13398  
 Five Moore Drive  
 Research Triangle Pa NC , 27709  
 UNITED STATES  
**Name:** Glaxo Group Limited  
**Correspondent Address:** David A. Harlow  
 Moore & Van Allen, PLLC  
 2200 West Main Street, Suite 800 PO Box 3843  
 Durham NC , 27702-3843  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 23, 2002	
2	EXTENSION OF TIME GRANTED	Nov 13, 2002	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 04, 2002	
4	EXTENSION OF TIME GRANTED	Nov 13, 2002	
5	INCOMING - EXT TIME TO OPPOSE FILED	Dec 03, 2002	
6	EXTENSION OF TIME GRANTED	Mar 11, 2003	
7	INCOMING - EXT TIME TO OPPOSE FILED	Jan 31, 2003	

8	EXTENSION OF TIME GRANTED	Mar 11, 2003
9	CORRECTED EXTENSION OF TIME	Mar 24, 2003
10	CORRECTION TO EXTENSION OF TIME	Mar 24, 2003
11	UNDELIVERABLE MAIL	Mar 26, 2003
12	INCOMING - EXT TIME TO OPPOSE FILED	Mar 21, 2003
13	EXTENSION OF TIME GRANTED	Apr 23, 2003

**Type of Proceeding: Extension of Time**

Proceeding Number: 76046056 Filing Date:

Status: Terminated Status Date:

Interlocutory Attorney:

**Defendant**

Name: Bayer Aktiengesellschaft

Correspondent Address: STANLEY C. MACEL, III  
 CONNOLLY BOVE LODGE & HUTZ  
 PO BOX 2207  
 WILMINGTON DE , 19899  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUVAIR	Abandoned - After Inter-Partes Decision	<u>76046056</u>	

**Potential Opposer(s)**

Name: Glaxo Group Limited

Correspondent Address: P.O. Box 13398  
 Five Moore Drive  
 Research Triangle PA NC , 27709  
 UNITED STATES

Name: Glaxo Group Limited

Correspondent Address: DAVID A. HARLOW  
 MORRE & VAN ALLEN, PLLC  
 2200 WEST MAIN STREET, SUITE 800, P.O. BOX 3843  
 DURHAM NC , 27702-3843  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

Name: GLAXO GROUP LIMITED

Correspondent Address: DAVID A. HARLOW  
 MOORE & VAN ALLEN  
 2200 WEST MAIN STREET  
 DURHAM NC , 27705-4658  
 UNITED STATES

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Oct 15, 2002	
2	EXTENSION OF TIME GRANTED	Mar 18, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Nov 21, 2002	
4	EXTENSION OF TIME GRANTED	Mar 18, 2003	
5	TERMINATED	Jun 17, 2003	

**Type of Proceeding: Cancellation**

Proceeding Number: 92057507 Filing Date: Jul 12, 2013

Status: Terminated Status Date: Nov 19, 2013

Interlocutory Attorney: CHERYL S GOODMAN

**Defendant**

Name: Stallergenes SA

Correspondent Address: MARK A NIEDS  
 IPHORGAN LTD  
 1130 W LAKE COOK RD, STE 240  
 BUFFALO GROVE IL , 60089

UNITED STATES

Correspondent e-mail: [mnieds@iphorgan.net](mailto:mnieds@iphorgan.net) , [mail@iphorgan.net](mailto:mail@iphorgan.net)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ACTAIR	IR CANCELLED; US REGISTRATION CANCELLED	<u>79078420</u>	<u>3860970</u>

**Plaintiff(s)**

Name: Glaxo Group Limited

Correspondent Address: PAUL C LLEWELLYN  
KAYE SCHOLER LLP  
425 PARK AVENUE  
NEW YORK NY , 10022-3598  
UNITED STATES

Correspondent e-mail: [paul.llewellyn@kayescholer.com](mailto:paul.llewellyn@kayescholer.com), [john.rynkiewicz@kayescholer.com](mailto:john.rynkiewicz@kayescholer.com), [darya.laufer@kayescholer.com](mailto:darya.laufer@kayescholer.com), [john.eisheid@kayescholer.com](mailto:john.eisheid@kayescholer.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 12, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 15, 2013	Aug 24, 2013
3	PENDING, INSTITUTED	Jul 15, 2013	
4	PL'S PROOF OF SERVICE	Jul 15, 2013	
5	STIP FOR EXT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Aug 21, 2013	
7	ANSWER	Sep 20, 2013	
8	VOLUNTARY SURRENDER OF REGISTRATION	Oct 21, 2013	
9	BD DECISION: DISMISSED W/O PREJ	Nov 18, 2013	
10	COMMR ORDER CANCELLING REG	Nov 19, 2013	
11	TERMINATED	Nov 19, 2013	

**Type of Proceeding: Opposition**

Proceeding Number: 91181284

Filing Date: May 17, 2013

Status: Terminated

Status Date: May 21, 2013

Interlocutory Attorney: BENJAMIN U OKEKE

**Defendant**

Name: Bang & Olufsen Medicom A/S

Correspondent Address: BASSAM N IBRAHIM  
BUCHANAN INGERSOLL & ROONEY PC  
PO BOX 1404  
ALEXANDRIA VA , 22313-1404  
UNITED STATES

Correspondent e-mail: [lloyd.smith@bipc.com](mailto:lloyd.smith@bipc.com) , [boa@medicomnordic.com](mailto:boa@medicomnordic.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ASMAIR	IR CANCELLED; US APPLICATION ABANDONED	<u>79033705</u>	

**Plaintiff(s)**

Name: Glaxo Group Limited

Correspondent Address: KEITH E SHARKIN  
DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK NY , 10019-6708  
UNITED STATES

Correspondent e-mail: [sharkink@dicksteinshapiro.com](mailto:sharkink@dicksteinshapiro.com) , [lackertc@dicksteinshapiro.com](mailto:lackertc@dicksteinshapiro.com) , [goodwillj@dicksteinshapiro.com](mailto:goodwillj@dicksteinshapiro.com) , [ipdocketing-ny@dicksteinshapiro.com](mailto:ipdocketing-ny@dicksteinshapiro.com)

Associated marks			
Mark	Application Status	Serial Number	Registration Number
ADVAIR	Renewed	<u>75595007</u>	<u>2628568</u>
ADVAIR	Cancelled - Section 8	<u>76114821</u>	<u>2636615</u>
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>
ADVAIR "DISKUS"	Cancelled - Section 8	<u>76114822</u>	<u>2716959</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 12, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 14, 2007	Jan 23, 2008
3	PENDING, INSTITUTED	Dec 14, 2007	
4	ANSWER	Jan 23, 2008	
5	P'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 21, 2008	
6	EXTENSION OF TIME GRANTED	Apr 07, 2008	
7	D'S FILING OF INITIAL DISCLOSURES	Apr 22, 2008	
8	INITIAL DISCLOSURES NOT CONSIDERED	Apr 29, 2008	
9	STIPULATION FOR AN EXTENSION OF TIME	Jun 09, 2008	
10	EXTENSION OF TIME GRANTED	Jun 09, 2008	
11	STIPULATION FOR AN EXTENSION OF TIME	Jul 17, 2008	
12	EXTENSION OF TIME GRANTED	Jul 17, 2008	
13	STIPULATION FOR AN EXTENSION OF TIME	Sep 23, 2008	
14	EXTENSION OF TIME GRANTED	Sep 23, 2008	
15	STIPULATION FOR AN EXTENSION OF TIME	Dec 15, 2008	
16	EXTENSION OF TIME GRANTED	Dec 15, 2008	
17	STIPULATION FOR AN EXTENSION OF TIME	Jan 16, 2009	
18	EXTENSION OF TIME GRANTED	Jan 16, 2009	
19	STIPULATION FOR AN EXTENSION OF TIME	Mar 25, 2009	
20	EXTENSION OF TIME GRANTED	Mar 25, 2009	
21	STIPULATION FOR AN EXTENSION OF TIME	May 13, 2009	
22	EXTENSION OF TIME GRANTED	May 13, 2009	
23	STIPULATION FOR AN EXTENSION OF TIME	Jul 16, 2009	
24	EXTENSION OF TIME GRANTED	Jul 16, 2009	
25	STIPULATION FOR AN EXTENSION OF TIME	Sep 15, 2009	
26	EXTENSION OF TIME GRANTED	Sep 15, 2009	
27	STIPULATION FOR AN EXTENSION OF TIME	Nov 24, 2009	
28	EXTENSION OF TIME GRANTED	Nov 24, 2009	
29	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2010	
30	EXTENSION OF TIME GRANTED	Feb 08, 2010	
31	CHANGE OF CORRESPONDENCE ADDRESS	May 27, 2010	
32	STIPULATION FOR AN EXTENSION OF TIME	May 28, 2010	
33	EXTENSION OF TIME GRANTED	May 28, 2010	
34	STIPULATION FOR AN EXTENSION OF TIME	Jul 26, 2010	
35	EXTENSION OF TIME GRANTED	Jul 26, 2010	
36	STIPULATION FOR AN EXTENSION OF TIME	Sep 22, 2010	
37	EXTENSION OF TIME GRANTED	Sep 22, 2010	
38	STIPULATION FOR AN EXTENSION OF TIME	Dec 06, 2010	
39	EXTENSION OF TIME GRANTED	Dec 06, 2010	
40	STIPULATION FOR AN EXTENSION OF TIME	Jan 18, 2011	

41	EXTENSION OF TIME GRANTED	Jan 18, 2011
42	STIPULATION FOR AN EXTENSION OF TIME	Mar 28, 2011
43	EXTENSION OF TIME GRANTED	Mar 28, 2011
44	STIPULATION FOR AN EXTENSION OF TIME	May 23, 2011
45	EXTENSION OF TIME GRANTED	May 23, 2011
46	STIPULATION FOR AN EXTENSION OF TIME	Aug 18, 2011
47	EXTENSION OF TIME GRANTED	Aug 18, 2011
48	STIPULATION FOR AN EXTENSION OF TIME	Nov 21, 2011
49	EXTENSION OF TIME GRANTED	Nov 21, 2011
50	STIPULATION FOR AN EXTENSION OF TIME	Feb 13, 2012
51	EXTENSION OF TIME GRANTED	Feb 13, 2012
52	STIPULATION FOR AN EXTENSION OF TIME	May 11, 2012
53	EXTENSION OF TIME GRANTED	May 11, 2012
54	STIPULATION FOR AN EXTENSION OF TIME	Aug 01, 2012
55	EXTENSION OF TIME GRANTED	Aug 01, 2012
56	STIPULATION FOR AN EXTENSION OF TIME	Nov 20, 2012
57	EXTENSION OF TIME GRANTED	Nov 20, 2012
58	STIPULATION FOR AN EXTENSION OF TIME	Jan 23, 2013
59	EXTENSION OF TIME GRANTED	Jan 23, 2013
60	STIP FOR EXT	Mar 11, 2013
61	EXTENSION OF TIME GRANTED	Mar 11, 2013
62	P MOT FOR EXT W/ CONSENT	May 17, 2013
63	BD DECISION: SUSTAINED	May 21, 2013
64	TERMINATED	May 21, 2013

**Type of Proceeding: Opposition**

Proceeding Number: 91150614

Filing Date: Oct 30, 2001

Status: Terminated

Status Date: Feb 15, 2005

Interlocutory Attorney:

**Defendant**

Name: BAYER AKTIENGESELLSCHAFT

Correspondent Address: STANLEY C. MACEL, III  
 CONNOLLY BOVE LODGE & HUTZ LLP  
 THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET  
 WILMINGTON DE , 19801  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
MIRIVAIR	Abandoned - After Inter-Partes Decision	<u>76046053</u>	

**Plaintiff(s)**

Name: GLAXO GROUP LIMITED

Correspondent Address: JAMES A. THOMAS  
 PARKER POE ADAMS AND BERNSTEIN LLP  
 POST OFFICE BOX 389, 1400 WACHOVIA CAPITAL CTER.  
 RALEIGH NC , 27602-0389  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ADVAIR DISKUS	Renewed	<u>75717896</u>	<u>2505137</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 30, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 30, 2002	Mar 11, 2002

3	PENDING, INSTITUTED	Jan 30, 2002
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 27, 2002
5	ANSWER DUE 4/10/02	Mar 07, 2002
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 04, 2002
7	SUSPENDED	Apr 23, 2002
8	BOARD'S COMMUNICATION/PROCEEDINGS REMAIN SUSPENDED	Nov 15, 2002
9	PROCEEDINGS RESUMED AND APPLICANT ALLOWED THIRTY DAYS FROM MAILING OF THIS ORDER TO FILE ANSWER	Jan 06, 2003
10	DEF'S THIRD CONSENTED TO MOTION TO EXTEND TIME TO RESPOND TO THE NOTICE OF OPPOSITION	Jan 17, 2003
11	STIPULATION NOTED AND APPROVED	Jan 27, 2003
12	NOTICE OF DEFAULT	Jun 02, 2003
13	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Apr 14, 2003
14	MOTION TO EXT TIME GRANTED; ANSWER DUE JUNE 30, 2003	Jun 17, 2003
15	DEF'S CONSENTED MOTION TO EXT TIME	Jun 17, 2003
16	SUSPENDED	Jun 23, 2003
17	DEF'S NOTICE OF CHANGE OF ADDRESS	Sep 05, 2003
18	PROCEEDINGS RESUMED	Jan 26, 2004
19	P'S CHANGE OF ADDRESS	Feb 09, 2004
20	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS	Feb 20, 2004
21	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 23, 2004
22	SUSPENDED	Feb 27, 2004
23	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Feb 23, 2004
24	PROCEEDINGS RESUMED	Sep 27, 2004
25	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Oct 25, 2004
26	ANSWER DUE: 12-26-04.	Nov 24, 2004
27	CHANGE OF ATTORNEY AND ADDRESS CHANGE	Dec 06, 2004
28	DEF'S CONSENT TO MOTION TO EXT TIME TO RESPOND TO THE NOTICE OF OPPOSITION	Dec 17, 2004
29	WITHDRAWAL OF APPLICATION WITH CONSENT	Dec 30, 2004
30	BD'S DECISION: DISMISSED W/O PREJUDICE	Feb 15, 2005
31	TERMINATED	Feb 15, 2005

**Type of Proceeding: Opposition**

**Proceeding Number:** 91151128

**Filing Date:** Oct 26, 2001

**Status:** Terminated

**Status Date:** Feb 11, 2005

**Interlocutory Attorney:** FRANCES S WOLFSON

**Defendant**

**Name:** BAYER AKTIENGESELLSCHAFT

**Correspondent Address:** STANLEY C. MACEL, III  
CONNOLLY BOVE LODGE & HUTZ, LLP  
THE NEMOURS BUILDING, 1007 NORTH ORANGE STREET  
WILMINGTON DE, 19801  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TRUVAIR	Abandoned - After Inter-Partes Decision	<u>76046056</u>	

**Plaintiff(s)**

**Name:** GLAXO GROUP LIMITED

**Correspondent Address:** JAMES A. THOMAS  
PARKER POE ADAMS & BERNSTEIN L.L.P.  
PO BOX 389, 1400 WACHOVIA CAPITOL CENTER  
RALEIGH NC, 27602-0389  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration
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ADVAIR DISKUS			Renewed	<u>75717896</u>	Number <u>2505137</u>
Prosecution History					
Entry Number	History Text		Date		Due Date
1	FILED AND FEE		Oct 26, 2001		
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:		Mar 20, 2002		Apr 29, 2002
3	PENDING, INSTITUTED		Mar 20, 2002		
4	DEF'S REQ TO EXT W/CON		Apr 25, 2002		
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT		Jun 24, 2002		
6	SUSPENDED		Jul 09, 2002		
7	STIPULATION FOR AN EXTENSION OF TIME		Jul 01, 2002		
8	D'S MOT FOR EXTEN. OF TIME W/ CONSENT		Aug 19, 2002		
9	ANSWER		Oct 25, 2002		
10	P'S MOT FOR EXTEN. OF TIME W/ CONSENT		Jan 08, 2003		
11	SUSPENDED		Mar 04, 2003		
12	DEF'S CHANGE OF ADDRESS		Sep 05, 2003		
13	PROCEEDINGS RESUMED		Nov 22, 2003		
14	P'S MOT TO SUSP PEND SETLMT NEGOTIATIONS		Feb 20, 2004		
15	PL'S CHANGE OF ADDRESS AND FIRM NAME		Feb 09, 2004		
16	SUSPENDED		Mar 09, 2004		
17	OTHER FILING		Dec 09, 2004		
18	1		Dec 03, 2004		
19	STIP W/D OF APP ON CONSENT		Dec 30, 2004		
20	BD'S DECISION: DISMISSED W/O PREJUDICE		Feb 11, 2005		
21	TERMINATED		Feb 11, 2005		

# APPLICANT'S EXHIBIT 3



**Correspondent** Christopher Serbagi  
**Name/Address:** THE SERBAGI LAW FIRM  
488 MADISON AVE STE 1120  
NEW YORK, NEW YORK 10022-5719  
UNITED STATES

**Phone:** 212-593-2112

**Fax:** 212-308-8582

**Correspondent e-mail:** [ptoemails@earthlink.net](mailto:ptoemails@earthlink.net) [david@serbagilaw.com](mailto:david@serbagilaw.com)

**Correspondent e-mail** Yes  
**Authorized:**

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jan. 08, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 08, 2013	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 03, 2008	CASE FILE IN TICRS	
Feb. 01, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	69471
Feb. 01, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 20, 2006	ASSIGNED TO PARALEGAL	69471
Jul. 07, 2005	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jul. 08, 2005	TEAS SECTION 15 RECEIVED	
Jul. 07, 2005	TEAS SECTION 8 & 9 RECEIVED	
Oct. 28, 1991	REGISTERED - SEC. 8 (6-YR) ACCEPTED	
Jun. 21, 1991	REGISTERED - SEC. 8 (6-YR) FILED	
Jul. 09, 1985	REGISTERED-PRINCIPAL REGISTER	
May 03, 1985	OPPOSITION TERMINATED NO. 999999	70864
Apr. 16, 1985	OPPOSITION DISMISSED NO. 999999	70864
Apr. 16, 1985	OPPOSITION DISMISSED NO. 999999	70864
Mar. 18, 1985	OPPOSITION INSTITUTED NO. 999999	70864
Jul. 24, 1984	PUBLISHED FOR OPPOSITION	
May 21, 1984	NOTICE OF PUBLICATION	
Apr. 11, 1984	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 26, 1984	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Sep. 29, 1983	NON-FINAL ACTION MAILED	
Sep. 21, 1983	ASSIGNED TO EXAMINER	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Renewal Date:** Jul. 09, 2005

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** SCANNING ON DEMAND

**Date in Location:** Jun. 03, 2008

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** SYNTEX PHARMACEUTICALS  
INTERNATIONAL LIMITED

### Assignment 1 of 2

**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**Reel/Frame:** 0472/0020

**Pages:** 1

**Date Recorded:** Jul. 23, 1984

Holaira001623

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: SYNTEX (U.S.A.) INC. Execution Date: Apr. 13, 1984  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED  
Legal Entity Type: CORPORATION State or Country Where Organized: BERMUDA  
Address: CORNER HOUSE, CHURCH ST.  
HAMILTON 5, BERMUDA

**Correspondent**

Correspondent Name: SYNTEX INTERNATIONAL LTD.  
Correspondent Address: P.O. BOX 10850  
3401 HILLVIEW AVE.  
PALO ALTO, CA 94303

**Domestic Representative - Not Found**

**Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL  
Reel/Frame: 1300/0347 Pages: 2  
Date Recorded: Mar. 01, 1995  
Supporting Documents: No Supporting Documents Available

**Assignor**

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED Execution Date: Jan. 18, 1995  
Legal Entity Type: CORPORATION State or Country Where Organized: BERMUDA

**Assignee**

Name: FOREST LABORATORIES, INC.  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE  
Address: 909 THIRD AVENUE  
NEW YORK, NEW YORK 10022

**Correspondent**

Correspondent Name: ROSENMAN & COLIN  
Correspondent Address: MARK H. SPARROW, ESQ.  
INTELLECTUAL PROPERTY DEPARTMENT  
575 MADISON AVENUE  
NEW YORK, NEW YORK 10022-2585

**Domestic Representative - Not Found**

**Proceedings**

**Summary**

Number of Proceedings: 1

**Type of Proceeding: Opposition**

Proceeding Number: 91070864 Filing Date: Jan 29, 1985  
Status: Terminated Status Date: May 03, 1985  
Interlocutory Attorney: THOMAS J QUINN

**Defendant**

Name: SYNTEX PHARMACEUTICALS INTERNATIONAL LIMITED, ASSIGNEE OF SYNTEX (U.S.A.) INC.  
Correspondent Address: DIANA J. AUGER OR  
NORMAN P. ROUSSEAU  
3401 HILLVIEW AVENUE  
PALO ALTO CA , 94304  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AEROBID	Renewed	<u>73407461</u>	<u>1347122</u>

**Plaintiff(s)**

Name: KEY PHARMACEUTICALS, INC.

Correspondent Address: PATTISHALL, MCAULIFFE & HOFSTETTER  
33 WEST MONROE STREET  
CHICAGO IL , 60603  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
<b>Prosecution History</b>			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 29, 1985	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Mar 18, 1985	May 17, 1985
3	PENDING, INSTITUTED	Mar 18, 1985	
4	2(D) CONFUSION/MISTAKE/DECEPTION W MARK	Apr 05, 1985	
5	WITHDRAWAL OF OPPOSITION	Mar 08, 1985	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Apr 16, 1985	
7	TERMINATED	May 03, 1985	

# APPLICANT'S EXHIBIT 4

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Mark: AIR GUARD

AIR GUARD

US Serial Number: 77200261      Application Filing Date: Jun. 07, 2007  
US Registration Number: 3548868      Registration Date: Dec. 23, 2008  
Register: Principal  
Mark Type: Trademark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Jan. 10, 2015  
Publication Date: Oct. 07, 2008

## Mark Information

Mark Literal Elements: AIR GUARD  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK  
Disclaimer: "AIR"

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*. \* identify additional (new) wording in the goods/services.

For: respiratory masks for non-medical purposes

International Class(es): 009 - Primary Class

U.S Class(es): 021, 023, 026, 036, 038

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2002

Use in Commerce: Sep. 2002

For: respiratory masks for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 2002

Use in Commerce: Sep. 2002

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Polar Wrap, LLC  
Owner Address: 6047 Executive Center Drive #8  
Memphis, TENNESSEE 38134  
UNITED STATES  
Legal Entity Type: LIMITED LIABILITY COMPANY      State or Country Where Organized: TENNESSEE

## Attorney/Correspondence Information

Holaira001546

**Attorney of Record**

**Attorney Name:** James D. Stevens  
**Attorney Primary Email Address:** [stevens@reising.com](mailto:stevens@reising.com)

**Docket Number:** 1699-3027-1  
**Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** JAMES D. STEVENS  
 REISING ETHINGTON PC  
 PO BOX 4390  
 TROY, MICHIGAN 48099-4390  
 UNITED STATES

**Phone:** 248-689-3500

**Fax:** 248-689-4071

**Correspondent e-mail:** [stevens@reising.com](mailto:stevens@reising.com) [docketing@reising.com](mailto:docketing@reising.com)

**Correspondent e-mail Authorized:** No

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Jan. 10, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Jan. 10, 2015	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Jan. 10, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Dec. 22, 2014	TEAS SECTION 8 & 15 RECEIVED	
Aug. 22, 2010	SEC 7 REQUEST FILED	75184
Aug. 23, 2010	CERTIFICATE OF CORRECTION ISSUED	75184
Aug. 23, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	75184
Aug. 22, 2010	TEAS SECTION 7 REQUEST RECEIVED	
Dec. 23, 2008	REGISTERED-PRINCIPAL REGISTER	
Oct. 07, 2008	PUBLISHED FOR OPPOSITION	
Sep. 17, 2008	NOTICE OF PUBLICATION	
Sep. 03, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Sep. 03, 2008	ASSIGNED TO LIE	70633
Aug. 25, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 15, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 15, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 15, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 15, 2008	NON-FINAL ACTION MAILED	
Feb. 14, 2008	NON-FINAL ACTION WRITTEN	83280
Jan. 24, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jan. 23, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jan. 23, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 23, 2007	NON-FINAL ACTION MAILED	
Jul. 20, 2007	NON-FINAL ACTION WRITTEN	83280
Jul. 20, 2007	ASSIGNED TO EXAMINER	83280
Jun. 12, 2007	NEW APPLICATION ENTERED IN TRAM	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Change in Registration:** Yes

**Correction made to Registration:** In the statement, Column 1, line 1, "POLARWRAP, LLC", should be deleted and Polar Wrap, LLC, should be inserted.

**TM Staff and Location Information**

**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 107

**Date in Location:** Jan. 10, 2015

# APPLICANT'S EXHIBIT 5



**Owner Address:** Ronda del General Mitre, 151  
Barcelona 08022  
SPAIN

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** SPAIN

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Upton Douglass  
**Attorney Primary Email Address:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
**Docket Number:** LABA 1101736  
**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** SUSAN UPTON DOUGLASS  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK, NEW YORK 10017-1822  
UNITED STATES  
**Phone:** 212-813-5900  
**Fax:** 212-813-5901  
**Correspondent e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
**Correspondent e-mail Authorized:** No

### Domestic Representative

**Domestic Representative Name:** Susan Upton Douglass  
**Phone:** 212-813-5900  
**Fax:** 212-813-5901  
**Domestic Representative e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
**Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Sep. 20, 2011	REGISTERED-PRINCIPAL REGISTER	
Jul. 05, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 05, 2011	PUBLISHED FOR OPPOSITION	
May 29, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 28, 2011	ASSIGNED TO EXAMINER	74671
Mar. 02, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 01, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Sep. 20, 2011

# APPLICANT'S EXHIBIT 6

Generated on: This page was generated by TSDR on 2015-07-02 16:37:30 EDT

Mark: AIREGO

AIREGO

US Serial Number: 86013238                      Application Filing Date: Jul. 17, 2013  
US Registration Number: 4571015                      Registration Date: Jul. 22, 2014  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Jul. 22, 2014  
Publication Date: Mar. 11, 2014

## Mark Information

Mark Literal Elements: AIREGO  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Foreign Information

Foreign Registration Number: 011086303                      Foreign Registration Date: Mar. 12, 2013  
Application/Registration Country: EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)                      Foreign Expiration Date: Jul. 22, 2022

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for prevention and treatment of diseases of the respiratory tract

International Class(es): 005 - Primary Class                      U.S Class(es): 006, 018, 044, 046, 051, 052  
Class Status: ACTIVE  
Basis: 44(e)

For: Medical apparatus and instruments for the administration of medicinal substances for the prevention and treatment of diseases of the respiratory tract

International Class(es): 010 - Primary Class                      U.S Class(es): 026, 039, 044  
Class Status: ACTIVE  
Basis: 44(e)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: ZAMBON S.P.A.  
Owner Address: Via Lillo del Duca 10  
Bresso (MI) 20091  
ITALY

Holaira001551

Legal Entity Type: CORPORATION

State or Country Where Organized: ITALY

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Jeffrey H. Kaufman **Docket Number:** 419269US  
**Attorney Primary Email Address:** [tmddocket@oblon.com](mailto:tmddocket@oblon.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** JEFFREY H. KAUFMAN  
Oblon, McClelland, Maier & Neustadt, L.L.P.  
1940 Duke Street  
Alexandria, VIRGINIA 22314  
UNITED STATES  
**Phone:** 703-413-3000 **Fax:** 703-413-2220  
**Correspondent e-mail:** [tmddocket@oblon.com](mailto:tmddocket@oblon.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Jeffrey H. Kaufman **Phone:** 7034133000  
**Fax:** 7034132220  
**Domestic Representative e-mail:** [tmddocket@oblon.com](mailto:tmddocket@oblon.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Feb. 12, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jul. 22, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 16, 2014	1(B) BASIS DELETED; PROCEED TO REGISTRATION	61813
May 30, 2014	NOTICE OF ALLOWANCE CANCELLED	61813
Jun. 16, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 30, 2014	TEAS DELETE 1(B) BASIS RECEIVED	
May 06, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 11, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 11, 2014	PUBLISHED FOR OPPOSITION	
Feb. 19, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Feb. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Feb. 01, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 21, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	68171
Jan. 21, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	68171
Jan. 17, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 04, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2013	NON-FINAL ACTION E-MAILED	6325
Nov. 04, 2013	NON-FINAL ACTION WRITTEN	80818
Oct. 28, 2013	ASSIGNED TO EXAMINER	80818
Sep. 26, 2013	APPLICANT AMENDMENT PRIOR TO EXAMINATION - ENTERED	68171
Sep. 20, 2013	ASSIGNED TO LIE	68171
Sep. 19, 2013	TEAS VOLUNTARY AMENDMENT RECEIVED	
Jul. 25, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 24, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 20, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

Holaira001552

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jul. 22, 2014

# APPLICANT'S EXHIBIT 7

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Mark: AIRFEV

# AIRFEV

**US Serial Number:** 85660898      **Application Filing Date:** Jun. 25, 2012  
**US Registration Number:** 4330882      **Registration Date:** May 07, 2013  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** May 07, 2013  
**Publication Date:** Feb. 19, 2013

## Mark Information

**Mark Literal Elements:** AIRFEV  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**Claimed Ownership of US Registrations:** 3103078

## Foreign Information

**Foreign Registration Number:** 3803954      **Foreign Registration Date:** Nov. 24, 2006  
**Foreign Application/Registration Country:** EUROPEAN (EU) OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET (OHIM)      **Foreign Expiration Date:** Apr. 28, 2014

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Pharmaceutical preparations for the treatment of the respiratory diseases

**International Class(es):** 005 - Primary Class      **U.S Class(es):** 006, 018, 044, 046, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> Yes	<b>Currently 44E:</b> Yes	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Almirall, S.A.  
**Owner Address:** Ronda del General Mitre, 151  
08022 Barcelona  
SPAIN  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** SPAIN

Holaira001554

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Upton Douglass **Docket Number:** LABA 1204409  
**Attorney Primary Email Address:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** SUSAN UPTON DOUGLASS  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK, NEW YORK 10017-1822  
UNITED STATES  
**Phone:** 212-813-5900 **Fax:** 212-813-5901  
**Correspondent e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Susan Upton Douglass **Phone:** 212-813-5900  
**Fax:** 212-813-5901  
**Domestic Representative e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
May 07, 2013	REGISTERED-PRINCIPAL REGISTER	
Feb. 19, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 19, 2013	PUBLISHED FOR OPPOSITION	
Jan. 30, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 16, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Jan. 16, 2013	ASSIGNED TO LIE	66121
Jan. 02, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 22, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 21, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 21, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 15, 2012	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2012	NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2012	NON-FINAL ACTION WRITTEN	85324
Oct. 11, 2012	ASSIGNED TO EXAMINER	85324
Jul. 03, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 28, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 07, 2013

# APPLICANT'S EXHIBIT 8



SOLANA BEACH, CALIFORNIA 92075-0096  
UNITED STATES

Phone: 888 750 4407

Fax: 858 876 1604

Correspondent e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com) [gholley@holleymenker.com](mailto:gholley@holleymenker.com) [gabrielleholley@gmail.com](mailto:gabrielleholley@gmail.com)

Correspondent e-mail Yes  
Authorized:

#### Domestic Representative

Domestic Representative Name: Gabrielle A. Holley

Phone: 888 750 4407

Fax: 858 876 1604

Domestic Representative e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Jul. 15, 2014	REGISTERED-PRINCIPAL REGISTER	
Jun. 11, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jun. 10, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Jun. 08, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 07, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
May 13, 2014	USE AMENDMENT FILED	61813
Jun. 05, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
May 13, 2014	TEAS STATEMENT OF USE RECEIVED	
Apr. 29, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Mar. 04, 2014	PUBLISHED FOR OPPOSITION	
Feb. 12, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jan. 24, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
Jan. 24, 2014	ASSIGNED TO LIE	68171
Dec. 31, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 03, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Dec. 02, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Dec. 02, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 28, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 28, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 28, 2013	NON-FINAL ACTION WRITTEN	67512
Oct. 18, 2013	ASSIGNED TO EXAMINER	67512
Jul. 18, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jul. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jul. 11, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jun. 10, 2014

Holaira001557

# APPLICANT'S EXHIBIT 9

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Mark: AIRFLUSOL

AIRFLUSOL

US Serial Number: 79116738  
US Registration Number: 4277894  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Jan. 22, 2013  
Publication Date: Nov. 06, 2012

Application Filing Date: Jul. 24, 2012  
Registration Date: Jan. 22, 2013

## Mark Information

Mark Literal Elements: AIRFLUSOL  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

International Registration Number: 1126246  
International Registration Date: Jul. 24, 2012

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, namely bronchodilating and anti-asthma preparations

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: NOVARTIS AG  
Owner Address: CH-4002 Basel  
SWITZERLAND  
Legal Entity Type: Aktiengesellschaft  
State or Country Where Organized: SWITZERLAND

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: Sandoz International GmbH  
Industriestrasse 25  
83607 Holzkirchen  
GERMANY

Holaira001558

## Prosecution History

Date	Description	Proceeding Number
Apr. 20, 2013	NOTIFICATION PROCESSED BY IB	
Feb. 23, 2013	FINAL DISPOSITION NOTICE SENT TO IB	
Feb. 23, 2013	FINAL DISPOSITION PROCESSED	68359
Feb. 21, 2013	GRANT OF PROTECTION CREATED, TO BE SENT TO IB	
Jan. 22, 2013	REGISTERED-PRINCIPAL REGISTER	
Nov. 19, 2012	NOTIFICATION PROCESSED BY IB	
Nov. 06, 2012	PUBLISHED FOR OPPOSITION	
Oct. 17, 2012	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Oct. 17, 2012	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Oct. 17, 2012	NOTICE OF PUBLICATION	
Sep. 25, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 18, 2012	ASSIGNED TO EXAMINER	80808
Sep. 15, 2012	APPLICATION FILING RECEIPT MAILED	
Sep. 11, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 07, 2012	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

International Registration Number:	1126246	International Registration Date:	Jul. 24, 2012
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Sep. 07, 2012
Notification of Designation Date:	Sep. 06, 2012	Date of Automatic Protection:	Mar. 06, 2014
International Registration Renewal Date:	Jul. 24, 2022		
First Refusal Flag:	No		

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 22, 2013

# APPLICANT'S EXHIBIT 10

Generated on: This page was generated by TSDR on 2015-07-02 16:37:58 EDT

Mark: AIRGEL

# AIRGEL

**US Serial Number:** 85742312      **Application Filing Date:** Oct. 01, 2012  
**US Registration Number:** 4619361      **Registration Date:** Oct. 14, 2014  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Oct. 14, 2014  
**Publication Date:** Feb. 12, 2013

## Mark Information

**Mark Literal Elements:** AIRGEL  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** seal for respiratory masks used in the treatment of sleep apnea and other respiratory disorders

**International Class(es):** 010 - Primary Class

**U.S Class(es):** 026, 039, 044

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jul. 11, 2012

**Use in Commerce:** Jul. 11, 2012

## Basis Information (Case Level)

<b>Filed Use:</b> Yes	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Sleepnet Corporation  
**Owner Address:** 5 Merrill Drive  
Hampton, NEW HAMPSHIRE 03842  
UNITED STATES  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** NEW HAMPSHIRE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Donald S. Holland      **Docket Number:** 12049T  
**Attorney Primary Email Address:** [dsh@hblaw.org](mailto:dsh@hblaw.org)      **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** DONALD S HOLLAND  
HOLLAND & BONZAGNI PC  
171 DWIGHT ROAD

Holaira001560

LONGMEADOW, MASSACHUSETTS 01106-1673  
UNITED STATES

Phone: 413-567-2076

Fax: 413-567-2079

Correspondent e-mail: [dsh@hblaw.org](mailto:dsh@hblaw.org)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 06, 2014	TTAB RELEASE CASE TO TRADEMARKS	210984
Sep. 06, 2014	OPPOSITION TERMINATED NO. 999999	210984
Jun. 08, 2013	OPPOSITION INSTITUTED NO. 999999	210984
Mar. 13, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Feb. 12, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Feb. 12, 2013	PUBLISHED FOR OPPOSITION	
Jan. 23, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 31, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 30, 2012	ASSIGNED TO EXAMINER	76463
Oct. 05, 2012	NOTICE OF PSEUDO MARK MAILED	
Oct. 04, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 04, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 14, 2014

## Proceedings

### Summary

Number of Proceedings: 2

Type of Proceeding: Opposition

Proceeding Number: 91210984

Filing Date: Jun 07, 2013

Status: Terminated

Status Date: Sep 06, 2014

Interlocutory Attorney: ELIZABETH A DUNN

### Defendant

Name: Sleepnet Corporation

Correspondent Address: DONALD S HOLLAND  
HOLLAND & BONZAGNI PC  
171 DWIGHT ROAD  
LONGMEADOW MA , 01106-1673  
UNITED STATES

Correspondent e-mail: [dsh@hblaw.org](mailto:dsh@hblaw.org) , [cam@hblaw.org](mailto:cam@hblaw.org)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRGEL	Registered	<u>85742312</u>	<u>4619361</u>

### Plaintiff(s)

Name: Anibal De Oliverira Fortuna

Correspondent Address: ANIBAL DE OLIVERIRA FORTUNA  
AV ALMIRANTE COCHRANE, 83 APTO 161  
SANTOS SP , 11040-001  
BRAZIL

Correspondent e-mail: [anibal.fortuna@uol.com.br](mailto:anibal.fortuna@uol.com.br)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
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Holaira001561

AIRGEL

Abandoned - After Inter-Partes Decision

77837542

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 07, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 08, 2013	Jul 18, 2013
3	PENDING, INSTITUTED	Jun 08, 2013	
4	D MOT FOR EXT W/O CONSENT	Jul 10, 2013	
5	D MOT FOR EXT W/O CONSENT	Aug 21, 2013	
6	EXTENSION OF TIME GRANTED	Sep 17, 2013	
7	D MOT FOR EXT W/ CONSENT	Sep 18, 2013	
8	D MOT TO DISMISS: FRCP 12(B)	Oct 01, 2013	
9	D MOT TO DISMISS: FRCP 12(B) WITH EXHIBIT	Oct 02, 2013	
10	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 19, 2013	
11	P OPP/RESP TO MOTION	Nov 01, 2013	
12	D MOTION TO LIFT SUSPENSION	Mar 31, 2014	
13	RESPONSE DUE 30 DAYS (DUE DATE)	May 02, 2014	Jun 01, 2014
14	BD DECISION: DISMISSED W/ PREJ	Jun 24, 2014	
15	TERMINATED	Sep 06, 2014	

**Type of Proceeding: Extension of Time**Proceeding Number: 85742312

Filing Date: Mar 13, 2013

Status: Terminated

Status Date: Jun 12, 2013

Interlocutory Attorney:

**Defendant**

Name: Sleepnet Corporation

Correspondent Address: DONALD S. HOLLAND  
HOLLAND & BONZAGNI, P.C.  
171 DWIGHT RD  
LONGMEADOW MA , 01106-1673  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AIRGEL	Registered	<u>85742312</u>	<u>4619361</u>

**Potential Opposer(s)**

Name: AnibalO.Fortuna

Correspondent Address: Anibal O. Fortuna  
Av. Almirante Cochrane, 83 apto. 161  
Santos SP , 11040-001  
BRAZIL

Correspondent e-mail: [anibal.fortuna@uol.com.br](mailto:anibal.fortuna@uol.com.br)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
------	--------------------	---------------	---------------------

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Mar 13, 2013	
2	EXTENSION OF TIME GRANTED	Mar 13, 2013	

Holaira001562

# APPLICANT'S EXHIBIT 11

Generated on: This page was generated by TSDR on 2015-07-02 16:27:55 EDT

Mark: AIRLIFE

AIRLIFE

US Serial Number: 78545378                      Application Filing Date: Jan. 11, 2005  
US Registration Number: 3150546                      Registration Date: Oct. 03, 2006  
Register: Principal  
Mark Type: Trademark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Sep. 27, 2012  
Publication Date: Jul. 11, 2006

## Mark Information

Mark Literal Elements: AIRLIFE  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Respiratory therapy products, namely, nebulizers, oxygen masks, oxygen tubing, connectors, nasal cannulas, oxygen catheters, tracheostomy masks, aerosol masks, drainage bags, spirometers and parts and accessories therefore

International Class(es): 010 - Primary Class                      U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1986

Use in Commerce: Jan. 01, 1986

For: Humidifiers

International Class(es): 011 - Primary Class                      U.S Class(es): 013, 021, 023, 031, 034

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 01, 1986

Use in Commerce: Jan. 01, 1986

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: CAREFUSION 2200, INC.  
Owner Address: 3750 TORREY VIEW COURT  
SAN DIEGO, CALIFORNIA 92130  
UNITED STATES

Holaira001563

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Joseph R. Dreitler

Attorney Primary Email Address: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Joseph R. Dreitler  
DREITLER TRUE LLC  
19 E. Kossuth St.  
COLUMBUS, OHIO 43206  
UNITED STATES

Phone: 614-449-6677

Correspondent e-mail: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com) [mtrue@ustrademarklawyer.com](mailto:mtrue@ustrademarklawyer.com) [ttrifino@ustrademarklawyer.com](mailto:ttrifino@ustrademarklawyer.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 25, 2014	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 27, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 27, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Sep. 27, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Sep. 18, 2012	TEAS SECTION 8 & 15 RECEIVED	
Dec. 02, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Nov. 25, 2009	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jul. 31, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 03, 2006	REGISTERED-PRINCIPAL REGISTER	
Jul. 21, 2006	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Jul. 12, 2006	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 11, 2006	PUBLISHED FOR OPPOSITION	
Jun. 21, 2006	NOTICE OF PUBLICATION	
May 22, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	78289
May 19, 2006	ASSIGNED TO LIE	78289
May 16, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 15, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	72589
Apr. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	72589
Apr. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 19, 2006	NON-FINAL ACTION E-MAILED	6325
Feb. 19, 2006	NON-FINAL ACTION WRITTEN	76521
Jan. 26, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	72589
Jan. 16, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	72589
Jan. 16, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 14, 2005	NON-FINAL ACTION E-MAILED	6325
Aug. 14, 2005	NON-FINAL ACTION WRITTEN	76521
Aug. 11, 2005	ASSIGNED TO EXAMINER	76521
Jan. 21, 2005	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Holaira001564

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: TMO LAW OFFICE 110

Date in Location: Sep. 27, 2012

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: ALLEGIANCE CORPORATION

#### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4098/0144

Pages: 8

Date Recorded: Nov. 18, 2009

Supporting Documents: [assignment-tm-4098-0144.pdf](#)

#### Assignor

Name: ALLEGIANCE CORPORATION

Execution Date: Aug. 03, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

#### Assignee

Name: CAREFUSION 2200, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3750 TORREY VIEW COURT  
SAN DIEGO, CALIFORNIA 92130

#### Correspondent

Correspondent Name: CPA GLOBAL

Correspondent Address: LIBERATION HOUSE  
CASTLE STREET  
ST. HELIER, JE1 1BL JERSEY

#### Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 2

#### Type of Proceeding: Opposition

Proceeding Number: 91210470

Filing Date: May 01, 2013

Status: Terminated

Status Date: Jul 03, 2013

Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: Airlife Chile S.A.

Correspondent Address: ARTURO PEREZ-GUERRERO  
LAW OFFICES OF ARTURO PEREZ-GUERRERO  
PO BOX 9024163  
SAN JUAN PR , 00902-4163  
UNITED STATES

Correspondent e-mail: [arturo@perezguerrero.com](mailto:arturo@perezguerrero.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
AIRLIFE	Abandoned - After Inter-Partes Decision	<u>85669918</u>	

#### Plaintiff(s)

Name: CareFusion 2200, Inc.

Correspondent Address: JOSEPH R DREITLER  
DREITLER TRUE LLC  
137 E STATE ST  
COLUMBUS OH , 43215  
UNITED STATES

Correspondent e-mail: [jdreitler@ustrademarklawyer.com](mailto:jdreitler@ustrademarklawyer.com) , [mtrue@ustrademarklawyer.com](mailto:mtrue@ustrademarklawyer.com) , [ttrfino@ustrademarklawyer.com](mailto:ttrfino@ustrademarklawyer.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AIRLIFE	Section 8 and 15 - Accepted and Acknowledged	<u>78545378</u>	<u>3150546</u>

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 01, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 01, 2013	Jun 10, 2013
3	PENDING, INSTITUTED	May 01, 2013	
4	D MOT FOR EXT W/ CONSENT	Jun 10, 2013	
5	W/DRAW OF APPLICATION	Jun 28, 2013	
6	BD DECISION: SUSTAINED	Jul 03, 2013	
7	TERMINATED	Jul 03, 2013	

**Type of Proceeding: Extension of Time**

Proceeding Number: 78545378 Filing Date: Jul 12, 2006  
 Status: Terminated Status Date: Jul 21, 2006

Interlocutory Attorney:

**Defendant**

Name: ALLEGIANCE CORPORATION  
 Correspondent Address: ALLEGIANCE CORPORATION  
 1430 WAUKEGAN RD # KB-1A  
 MC GAW PARK IL , 60085-6726  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
AIRLIFE	Section 8 and 15 - Accepted and Acknowledged	<u>78545378</u>	<u>3150546</u>

**Potential Opposer(s)**

Name: Central Mfg. Co., d/b/a Central Mfg. Inc  
 Correspondent Address: Leo Stoller  
 Central Mfg. Co., d/b/a Central Mfg. Inc  
 7115 W. North Avenue #272  
 Oak Park IL , 60302  
 UNITED STATES  
 Correspondent e-mail: [ldms4@hotmail.com](mailto:ldms4@hotmail.com)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jul 12, 2006	
2	EXTENSION OF TIME GRANTED	Jul 12, 2006	
3	EXTENSION DENIED	Jul 21, 2006	
4	EXTENSION DENIED	Jul 21, 2006	

# APPLICANT'S EXHIBIT 12

Generated on: This page was generated by TSDR on 2015-07-02 16:26:08 EDT

Mark: AIRSTAT

AIRSTAT

US Serial Number: 75942787      Application Filing Date: Mar. 13, 2000  
US Registration Number: 2446249      Registration Date: Apr. 24, 2001  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Nov. 05, 2011  
Publication Date: Jan. 30, 2001

## Mark Information

Mark Literal Elements: AIRSTAT  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: emergency medical devices, namely, airway respiratory catheters

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 01, 1999

Use in Commerce: Sep. 01, 1999

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: French, Ronald  
Owner Address: 6123 Marquette Place  
New Orleans, LOUISIANA 70118  
UNITED STATES  
Legal Entity Type: INDIVIDUAL      Citizenship: UNITED STATES

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: GREGORY C. SMITH      Docket Number: T99354US 253  
Attorney Primary Email Address: [GregSmith@gsnn.us](mailto:GregSmith@gsnn.us)      Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: GREGORY C. SMITH  
GARVEY, SMITH, NEHRBASS & NORTH, LLC  
3838 N CAUSEWAY BLVD, SUITE 3290

Holaira001567

METAIRIE, LOUISIANA 70002  
UNITED STATES

Phone: (504) 835-2000

Fax: (504) 835-2070

Correspondent e-mail: [GregSmith@gsnn.us](mailto:GregSmith@gsnn.us)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Nov. 05, 2011	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Nov. 05, 2011	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68973
Nov. 05, 2011	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Oct. 06, 2011	TEAS SECTION 8 & 9 RECEIVED	
Jan. 19, 2007	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	61619
Jan. 09, 2007	ASSIGNED TO PARALEGAL	61619
Nov. 09, 2006	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 16, 2006	CASE FILE IN TICRS	
Nov. 09, 2006	TEAS SECTION 8 & 15 RECEIVED	
Apr. 24, 2001	REGISTERED-PRINCIPAL REGISTER	
Jan. 30, 2001	PUBLISHED FOR OPPOSITION	
Dec. 29, 2000	NOTICE OF PUBLICATION	
Sep. 23, 2000	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 11, 2000	EXAMINER'S AMENDMENT MAILED	
Aug. 28, 2000	NON-FINAL ACTION MAILED	
Aug. 18, 2000	ASSIGNED TO EXAMINER	76516

## Maintenance Filings or Post Registration Information

Affidavit of Continued Section 8 - Accepted  
Use:

Affidavit of Section 15 - Accepted  
Incontestability:

Renewal Date: Apr. 24, 2011

## TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Nov. 05, 2011

Holaira001568

# APPLICANT'S EXHIBIT 13

Generated on: This page was generated by TSDR on 2015-07-02 16:20:08 EDT

Mark: AIRWATCH

US Serial Number: 74531431      Application Filing Date: May 31, 1994  
US Registration Number: 2006677      Registration Date: Oct. 08, 1996  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Dec. 09, 2006  
Publication Date: Apr. 11, 1995      Notice of Allowance Date: Jul. 04, 1995

## Mark Information

Mark Literal Elements: AIRWATCH  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: medical devices, namely electronic respiratory monitors

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Apr. 1995

Use in Commerce: Apr. 1995

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: IMETRIKUS, INC.  
Owner Address: 5875 Avenida Encinas  
Carlsbad, CALIFORNIA 92008  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Dennis A. Bennett  
Attorney Primary Email: dennisbennett@globalpatentgroup.com      Attorney Email: Yes

Holaira001569

Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** Dennis A. Bennett  
Global Patent Group  
10411 Clayton Road  
Suite 304  
St. Louis, MISSOURI 63131  
UNITED STATES

**Phone:** 314-567-7788

**Fax:** 314-567-9595

**Correspondent e-mail:** [dennisbennett@globalpatentgroup.com](mailto:dennisbennett@globalpatentgroup.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Oct. 14, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Oct. 14, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 23, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Jan. 23, 2007	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 09, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
Dec. 09, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 06, 2006	ASSIGNED TO PARALEGAL	75461
Oct. 05, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Oct. 05, 2006	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2006	CASE FILE IN TICRS	
Jul. 08, 2003	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Apr. 11, 2003	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Apr. 11, 2003	PAPER RECEIVED	
Apr. 10, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 25, 2002	PAPER RECEIVED	
Oct. 08, 1996	REGISTERED-PRINCIPAL REGISTER	
Aug. 05, 1996	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jun. 03, 1996	STATEMENT OF USE PROCESSING COMPLETE	
Jun. 03, 1996	EXTENSION 1 DENIAL LETTER MAILED	
Jun. 03, 1996	EXTENSION 1 DENIAL LETTER PREPARED	
Dec. 28, 1995	USE AMENDMENT FILED	
Dec. 28, 1995	EXTENSION 1 FILED	
Jul. 04, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Apr. 11, 1995	PUBLISHED FOR OPPOSITION	
Mar. 10, 1995	NOTICE OF PUBLICATION	
Oct. 17, 1994	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 05, 1994	ASSIGNED TO EXAMINER	72150

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Oct. 08, 2006

## TM Staff and Location Information

**TM Staff Information - None**  
**File Location**

Holaira001570

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 6

Registrant: Enact Products

### Assignment 1 of 6

Conveyance: CHANGE OF NAME

Reel/Frame: 1434/0300

Pages: 14

Date Recorded: Dec. 21, 1995

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: ENACT PRODUCTS

Execution Date: Aug. 25, 1995

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

#### Assignee

Name: ENACT HEALTH MANAGEMENT SYSTEMS

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: SUITE 306  
1975 WEST EL CAMINO REAL  
MOUNTAIN VIEW, CALIFORNIA 94040

#### Correspondent

Correspondent Name: GRAY CARY WARE ET AL.

Correspondent Address: MARGARET M. POWERS  
400 HAMILTON AVENUE  
PALO ALTO, CA 94301

#### Domestic Representative - Not Found

### Assignment 2 of 6

Conveyance: MERGER

Reel/Frame: 1707/0865

Pages: 21

Date Recorded: Mar. 27, 1998

Supporting Documents: No Supporting Documents Available

#### Assignor

Name: ENACT HEALTH MANAGEMENT SYSTEMS

Execution Date: Feb. 09, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

#### Assignee

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1975 EL CAMINO REAL WEST, STE. 30  
MOUNTAIN VIEW, CALIFORNIA 94040

#### Correspondent

Correspondent Name: GRAY CARE WARE AND FREIDENRICH LLP

Correspondent Address: MARGARET M. POWERS, ESQ.  
400 HAMILTON AVENUE  
PALO ALTO, CA 94301

#### Domestic Representative - Not Found

### Assignment 3 of 6

Conveyance: SECURITY INTEREST

Reel/Frame: 1862/0069

Pages: 3

Date Recorded: Mar. 01, 1999

Supporting Documents: [assignment-tm-1862-0069.pdf](#)

#### Assignor

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Execution Date: Feb. 26, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: R.D. MERRILL COMPANY, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: WASHINGTON

Address: 2716 WESTERN AVENUE  
SEATTLE, WASHINGTON 98121

**Correspondent**

Correspondent Name: GRAY CARY WARE & FREIDENRICH

Correspondent Address: ERIN O'BRIEN  
400 HAMILTON AVENUE  
PALO ALTO, CA 94301

**Domestic Representative - Not Found**

**Assignment 4 of 6**

Conveyance: CHANGE OF NAME

Reel/Frame: 1946/0019

Pages: 17

Date Recorded: Aug. 12, 1999

Supporting Documents: [assignment-tm-1946-0019.pdf](#)

**Assignor**

Name: ENACT HEALTH MANAGEMENT SYSTEMS, INC.

Execution Date: Jun. 29, 1999

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: LIFECHART.COM, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1975 EL CAMINO REAL WEST, SUITE 306  
MOUNTAIN VIEW, CALIFORNIA 94040

**Correspondent**

Correspondent Name: GRAY, CARY, WARE & FREIDENRICH LLP

Correspondent Address: MARGARET M. POWER, ESQ.  
400 HAMILTON AVENUE  
PALO ALTO, CALIFORNIA 94301-1825

**Domestic Representative - Not Found**

**Assignment 5 of 6**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2670/0948

Pages: 4

Date Recorded: Jun. 19, 2003

Supporting Documents: [assignment-tm-2670-0948.pdf](#)

**Assignor**

Name: LIFECHART.COM, INC.

Execution Date: Jun. 18, 2003

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: NEW LIFECHART, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WASHINGTON

Address: 777 108TH AVENUE  
SUITE 2300  
BELLEVUE, WASHINGTON 98004

**Correspondent**

Correspondent Name: HELLER EHRMAN WHITE & MCAULIFFE LLP

Correspondent Address: 275 MIDDLEFIELD ROAD  
MENLO PARK, CA 94025

**Domestic Representative - Not Found**

**Assignment 6 of 6**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 2672/0809

Pages: 4

Date Recorded: Jun. 23, 2003

Supporting Documents: [assignment-tm-2672-0809.pdf](#)

**Assignor**

Name: NEW LIFECHART, LLC

Execution Date: Jun. 19, 2003

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: WASHINGTON

Organized:

**Assignee**

**Name:** IMETRIKUS, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 5770 ARMADA DRIVE  
SUITE 100  
CARLSBAD, CALIFORNIA 92008

**Correspondent**

**Correspondent Name:** HELLER EHRMAN WHITE & MCAULIFFE LLP

**Correspondent Address:** 275 MIDDLEFIELD ROAD  
MENLO PARK, CA 94025

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 14



Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record - None Correspondent

**Correspondent Name/Address:** Alere Health Improvement Company  
10 Mountainview Road  
Upper Saddle River, NEW JERSEY 07458  
UNITED STATES

**Phone:** 781-314-4062

**Fax:** 781-647-3939

**Correspondent e-mail:** [Jean.Maxwell@alere.com](mailto:Jean.Maxwell@alere.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 23, 2014	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 25, 2012	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Jan. 20, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	77315
Jan. 20, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	77315
Jan. 17, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jan. 16, 2012	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 28, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Oct. 07, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 30, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 28, 2009	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Sep. 28, 2009	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jul. 14, 2008	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	77315
Jul. 14, 2008	ASSIGNED TO PARALEGAL	77315
Jul. 01, 2008	TEAS SECTION 8 & 15 RECEIVED	
Apr. 09, 2008	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Apr. 09, 2008	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 07, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 07, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 28, 2008	CASE FILE IN TICRS	
Dec. 10, 2002	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2002	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Sep. 20, 2002	ASSIGNED TO EXAMINER	76491
Sep. 19, 2002	STATEMENT OF USE PROCESSING COMPLETE	
Aug. 21, 2002	USE AMENDMENT FILED	
Aug. 23, 2002	PAPER RECEIVED	
Mar. 26, 2002	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jan. 01, 2002	PUBLISHED FOR OPPOSITION	
Dec. 12, 2001	NOTICE OF PUBLICATION	
Sep. 06, 2001	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 04, 2001	EXAMINERS AMENDMENT MAILED	
Aug. 14, 2001	ASSIGNED TO EXAMINER	76491
Aug. 13, 2001	PETITION TO REVIVE-GRANTED	

Holaira001659

Nov. 13, 2000 PETITION TO REVIVE-RECEIVED  
Sep. 12, 2000 ABANDONMENT - FAILURE TO RESPOND OR LATE RESPONSE  
Dec. 28, 1999 NON-FINAL ACTION MAILED  
Dec. 23, 1999 ASSIGNED TO EXAMINER

75591

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Dec. 10, 2012

## TM Staff and Location Information

TM Staff information - None

File Location

**Current Location:** GENERIC WEB UPDATE

**Date in Location:** Jan. 20, 2012

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 14

**Registrant:** Alere Medical Incorporated

### Assignment 1 of 14

**Conveyance:** SECURITY AGREEMENT

**Reel/Frame:** 2472/0172

**Pages:** 10

**Date Recorded:** Mar. 13, 2002

**Supporting Documents:** assignment-tm-2472-0172.pdf

#### Assignor

**Name:** ALERE MEDICAL INCORPORATED

**Execution Date:** Feb. 25, 2002

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

#### Assignee

**Name:** VENTURE LENDING & LEASING III, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** MARYLAND

**Address:** 2010 NORTH FIRST STREET  
SAN JOSE, CALIFORNIA 95131

#### Correspondent

**Correspondent Name:** GREEN RADOVSKY MALONEY & SHARE LLP

**Correspondent Address:** RUSSELL D. POLLOCK, ESQ.  
FOUR EMBARCADERO CENTER, SUITE 4000  
SAN FRANCISCO, CA 94111

Domestic Representative - Not Found

### Assignment 2 of 14

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** 3515/0969

**Pages:** 6

**Date Recorded:** Apr. 05, 2007

**Supporting Documents:** assignment-tm-3515-0969.pdf

#### Assignor

**Name:** ALERE MEDICAL INCORPORATED

**Execution Date:** Apr. 02, 2007

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** CALIFORNIA

**DBA, AKA, TA, Formerly:** FORMERLY AGORA MERGER SUB, INC.

#### Assignee

**Name:** MERRILL LYNCH CAPITAL, A DIVISION OF MERRILL LYNCH BUSINESS FINANCIAL SERVICES, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** DELAWARE

**Address:** 222 NORTH LASALLE STREET  
CHEVY CHASE, ILLINOIS 60601

#### Correspondent

Holaira001660

Correspondent Name: KATTEN MUCHIN ROSENMAN

Correspondent Address: 525 WEST MONROE STREET  
CHICAGO, IL 60661

Domestic Representative - Not Found

Assignment 3 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: 3698/0121

Pages: 87

Date Recorded: Jan. 16, 2008

Supporting Documents: assignment-tm-3698-0121.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jun. 27, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: GENERAL ELECTRIC CAPITAL CORPORATION

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600  
BETHESDA, MARYLAND 20814

Correspondent

Correspondent Name: KATHLEEN MANGUAL

Correspondent Address: C/O PAUL HASTINGS, LLP  
75 EAST 55TH STREET  
NEW YORK, NY 10022

Domestic Representative - Not Found

Assignment 4 of 14

Conveyance: SECURITY INTEREST

Reel/Frame: 3698/0786

Pages: 88

Date Recorded: Jan. 17, 2008

Supporting Documents: assignment-tm-3698-0786.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Jun. 27, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: GENERAL ELECTRIC CAPITAL CORPORATION, AS AGENT

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600  
BETHESDA, MARYLAND 20814

Correspondent

Correspondent Name: KATHLEEN MANGUAL

Correspondent Address: C/O PAUL HASTINGS LLP  
75 EAST 55TH STREET  
NEW YORK, NY 20814

Domestic Representative - Not Found

Assignment 5 of 14

Conveyance: MERGER EFFECTIVE 04292009

Reel/Frame: 4070/0037

Pages: 5

Date Recorded: Sep. 29, 2009

Supporting Documents: assignment-tm-4070-0037.pdf

Assignor

Name: ALERE MEDICAL, INC.

Execution Date: Apr. 29, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: ALERE LLC

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3200 WINDY HILL ROAD  
SUITE B-100

ATLANTA, GEORGIA 30339

**Correspondent**

**Correspondent Name:** JEAN MAXWELL, TM PARALEGAL/ADMINISTRATOR  
**Correspondent Address:** 51 SAWYER ROAD  
INVERNESS MEDICAL INNOVATIONS, INC.  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 6 of 14**

**Conveyance:** MERGER EFFECTIVE 04292009  
**Reel/Frame:** 4070/0288 **Pages:** 5  
**Date Recorded:** Sep. 29, 2009  
**Supporting Documents:** assignment-tm-4070-0288.pdf

**Assignor**

**Name:** ALERE MEDICAL, INC. **Execution Date:** Apr. 29, 2009  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** ALERE LLC **State or Country Where Organized:** DELAWARE  
**Legal Entity Type:** LIMITED LIABILITY COMPANY  
**Address:** 3200 WINDY HILL ROAD  
SUITE B-100  
ATLANTA, GEORGIA 30339

**Correspondent**

**Correspondent Name:** JEAN M. MAXWELL, TM PARALEGAL/ADMN.  
**Correspondent Address:** 51 SAWYER ROAD  
INVERNESS MEDICAL INNOVATIONS, INC.  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 7 of 14**

**Conveyance:** TO CORRECT AN ERROR MADE IN A PREVIOUSLY RECORDED DOCUMENT AT REEL/FRAME: 004070/0037. THE MERGER WAS INCORRECTLY RECORDED, AS IT CONCERNS A PARTY OTHER THAN THE REGISTRANT. REGISTRANT REQUESTS THAT THE PTO DISREGARD THE PREVIOUS RECORDAL.  
**Reel/Frame:** 4136/0760 **Pages:** 5  
**Date Recorded:** Jan. 25, 2010  
**Supporting Documents:** assignment-tm-4136-0760.pdf

**Assignor**

**Name:** ALERE MEDICAL, INC. **Execution Date:** Jan. 25, 2010  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Assignee**

**Name:** ALERE MEDICAL, INC. **State or Country Where Organized:** CALIFORNIA  
**Legal Entity Type:** CORPORATION  
**Address:** 10615 PROFESSIONAL CIRCLE  
RENO, NEVADA 89521

**Correspondent**

**Correspondent Name:** JOSHUA JARVIS, ESQ., FOLEY HOAG LLP  
**Correspondent Address:** 155 SEAPORT BOULEVARD  
BOSTON, MA 02210

**Domestic Representative - Not Found**

**Assignment 8 of 14**

**Conveyance:** TO CORRECT AN ERROR MADE IN A PREVIOUSLY RECORDED DOCUMENT AT REEL/FRAME: 00407/0288. THE MERGER WAS INCORRECTLY RECORDED, AS IT CONCERNS A PARTY OTHER THAN THE REGISTRANT. REGISTRANT REQUESTS THAT THE PTO DISREGARD THE PREVIOUS RECORDAL.  
**Reel/Frame:** 4136/0799 **Pages:** 5  
**Date Recorded:** Jan. 25, 2010  
**Supporting Documents:** assignment-tm-4136-0799.pdf

**Assignor**

**Name:** ALERE MEDICAL, INC. **Execution Date:** Jan. 25, 2010  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Assignee**

Name: ALERE MEDICAL, INC.  
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA  
Address: 10615 PROFESSIONAL CIRCLE  
RENO, NEVADA 89521

**Correspondent**

Correspondent Name: JOSHUA JARVIS, ESQ., FOLEY HOAG LLP  
Correspondent Address: 155 SEAPORT BOULEVARD  
BOSTON, MA 02210

**Domestic Representative - Not Found**

**Assignment 9 of 14**

Conveyance: SECURITY INTEREST  
Reel/Frame: 4576/0065 Pages: 28  
Date Recorded: Jul. 06, 2011  
Supporting Documents: [assignment-lm-4576-0065.pdf](#)

**Assignor**

Name: <u>ALERE GENETICS, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: NORTH CAROLINA
Name: <u>ALERE HEALTH IMPROVEMENT COMPANY</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE HEALTH SYSTEMS, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE HEALTH, LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>ALERE HEALTHCARE OF ILLINOIS, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: GEORGIA
Name: <u>ALERE HOME MONITORING, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE INTERNATIONAL HOLDING CORP.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE MEDICAL, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Name: <u>ALERE NEWCO, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE NEWCO II, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE NORTH AMERICA, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE OF NEW YORK, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: NEW YORK
Name: <u>ALERE SAN DIEGO, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE SCARBOROUGH, INC.</u>	Execution Date: Jun. 30, 2011

Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE US HOLDINGS LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>ALERE WELLBEING, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE WELLOLOGY, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>ALERE WOMEN'S AND CHILDREN'S HEALTH, LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>AMEDITECH INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Name: <u>BINAX, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>BIOSITE INCORPORATED</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>CHOLESTECH CORPORATION</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>FIRST CHECK DIAGNOSTICS CORP.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>FIRST CHECK ECOM, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: MASSACHUSETTS
Name: <u>HEMOSENSE, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>INNOVACON, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>INSTANT TECHNOLOGIES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: VIRGINIA
Name: <u>INVERNESS MEDICAL, LLC</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: DELAWARE
Name: <u>IVC INDUSTRIES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE
Name: <u>QUALITY ASSURED SERVICES, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: FLORIDA
Name: <u>REDWOOD TOXICOLOGY LABORATORY, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: CALIFORNIA
Name: <u>RMD NETWORKS, INC.</u>	Execution Date: Jun. 30, 2011
Legal Entity Type: CORPORATION	State or Country Where Organized: DELAWARE

Name: RTL HOLDINGS, INC. Execution Date: Jun. 30, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: SELFCARE TECHNOLOGY, INC. Execution Date: Jun. 30, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: SPDH, INC. Execution Date: Jun. 30, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: WAMPOLE LABORATORIES, LLC Execution Date: Jun. 30, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Name: ZYCARE, INC. Execution Date: Jun. 30, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: NORTH CAROLINA

**Assignee**

Name: GENERAL ELECTRIC CAPITAL CORPORATION  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 2 BETHESDA METRO CENTER, SUITE 600  
BETHESDA, MARYLAND 20814

**Correspondent**

Correspondent Name: ESSENCE ARZU, ESQ., FOLEY HOAG LLP  
Correspondent Address: 155 SEAPORT BOULEVARD  
BOSTON, MA 02210

**Domestic Representative - Not Found**

**Assignment 10 of 14**

Conveyance: ASSIGNS THE ENTIRE INTEREST  
Reel/Frame: 4699/0436 Pages: 7  
Date Recorded: Jan. 17, 2012  
Supporting Documents: assignment-tm-4699-0436.pdf

**Assignor**

Name: ALERE MEDICAL, INC. Execution Date: Dec. 31, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: CALIFORNIA

**Assignee**

Name: ALERE HEALTH SYSTEMS, INC.  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 10 MOUNTAINVIEW ROAD  
UPPER SADDLE RIVER, NEW JERSEY 07458

**Correspondent**

Correspondent Name: JEAN M MAXWELL, SR TM PARALEGAL/ADMINR  
Correspondent Address: ALERE INC.  
51 SAWYER ROAD, SUITE 200  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 11 of 14**

Conveyance: MERGER EFFECTIVE 12/31/2011  
Reel/Frame: 4699/0467 Pages: 10  
Date Recorded: Jan. 17, 2012  
Supporting Documents: assignment-tm-4699-0467.pdf

**Assignor**

Name: ALERE HEALTH SYSTEMS, INC. Execution Date: Dec. 31, 2011  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: ALERE HEALTH IMPROVEMENT COMPANY  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Organized:

Address: 10 MOUNTAINVIEW ROAD  
UPPER SADDLE RIVER, NEW JERSEY 07458

**Correspondent**

Correspondent Name: JEAN M MAXWELL, SR TM PARALEGAL/ADMINR

Correspondent Address: ALERE INC.  
51 SAWYER ROAD, SUITE 200  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 12 of 14**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5380/0320

Pages: 6

Date Recorded: Oct. 14, 2014

Supporting Documents: [assignment-tm-5380-0320.pdf](#)

**Assignor**

Name: ALERE HEALTH IMPROVEMENT COMPANY

Execution Date: Oct. 10, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: ALERE HEALTH, LLC

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 3200 WINDY HILL ROAD  
SUITE B-100  
ATLANTA, GEORGIA 30339

**Correspondent**

Correspondent Name: JEAN M. MAXWELL, TRADEMARK MANAGER

Correspondent Address: 51 SAWYER ROAD, SUITE 200  
ALERE INC.  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 13 of 14**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5380/0334

Pages: 5

Date Recorded: Oct. 14, 2014

Supporting Documents: [assignment-tm-5380-0334.pdf](#)

**Assignor**

Name: ALERE HEALTH, LLC

Execution Date: Oct. 10, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: ALERE INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 51 SAWYER ROAD, SUITE 200  
WALTHAM, MASSACHUSETTS 02453

**Correspondent**

Correspondent Name: JEAN M. MAXWELL, TRADEMARK MANAGER

Correspondent Address: 51 SAWYER ROAD, SUITE 200  
ALERE INC.  
WALTHAM, MA 02453

**Domestic Representative - Not Found**

**Assignment 14 of 14**

Conveyance: NOTICE OF RELEASE OF SECURITY INTEREST IN TRADEMARKS RECORDED AT REEL 4576 FRAME 0065

Reel/Frame: 5559/0283

Pages: 34

Date Recorded: Jun. 23, 2015

Supporting Documents: [assignment-tm-5559-0283.pdf](#)

**Assignor**

Name: GENERAL ELECTRIC CAPITAL CORPORATION, AS ADMINISTRATIVE AGENT AND COLLATERAL AGENT

Execution Date: Jun. 18, 2015

<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
<b>Assignee</b>	
Name: <u>ALERE GENETICS, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> NORTH CAROLINA
Address: 201 SAGE ROAD # 300 CHAPEL HILL, NORTH CAROLINA 27514	
Name: <u>ALERE HEALTH IMPROVEMENT IMPROVEMENT COMPANY</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 3200 WINDY HILL ROAD, SUITE B-100 ATLANTA, GEORGIA 30339	
Name: <u>ALERE HEALTH SYSTEMS, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE HEALTH, LLC</u>	
<b>Legal Entity Type:</b> LIMITED LIABILITY COMPANY	<b>State or Country Where Organized:</b> DELAWARE
Address: 3200 WINDY HILL RD SE, #100B ATLANTA, GEORGIA 30339	
Name: <u>ALERE HEALTHCARE OF ILLINOIS, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> GEORGIA
Address: 9801 W HIGGINS RD STE 370 ROSEMONT, ILLINOIS 60018	
Name: <u>ALERE HOME MONITORING, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 6465 NATIONAL DRIVE LIVERMORE, CALIFORNIA 94550	
Name: <u>ALERE INTERNATIONAL HOLDING CORP.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE MEDICAL, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> CALIFORNIA
Address: 595 DOUBLE EAGLE CENTER, SUITE 1000 RENO, NEVADA 89521	
Name: <u>ALERE NEWCO, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE NEWCO II, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 51 SAWYER ROAD, SUITE 200 WALTHAM, MASSACHUSETTS 02453	
Name: <u>ALERE NORTH AMERICA, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> DELAWARE
Address: 30 SOUTH KELLER ROAD, SUITE 100 ORLANDO, FLORIDA 32810	
Name: <u>ALERE OF NEW YORK, INC.</u>	
<b>Legal Entity Type:</b> CORPORATION	<b>State or Country Where Organized:</b> NEW YORK

**Address:** 900 MERCHANTS CONCOURSE, SUITE 201  
 WESTBURY, NEW YORK 11590  
**Name:** ALERE SAN DIEGO, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 9975 SUMMERS RIDGE ROAD  
 SAN DIEGO, CALIFORNIA 92121  
**Name:** ALERE SCARBOROUGH, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 10 SOUTHGATE ROAD  
 SCARBOROUGH, MAINE 04074  
**Name:** ALERE US HOLDINGS, LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** ALERE WELLBEING, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 999 THIRD AVENUE, SUITE 2100  
 SEATTLE, WASHINGTON 98104-1139  
**Name:** ALERE WELLOLOGY, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 13630 NW 8TH STREET, SUITE 210  
 FORT LAUDERDALE, FLORIDA 33325  
**Name:** ALERE WOMEN'S AND CHILDREN'S HEALTH, LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

**Address:** 3200 WINDY HILL RD, SUITE B100  
 ATLANTA, GEORGIA 30339  
**Name:** AMEDITECH INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Address:** 10340 CAMINO SANTA FE, SUITE F  
 SAN DIEGO, CALIFORNIA 92121  
**Name:** BINAX, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 10 SOUTHGATE ROAD  
 SCARBOROUGH, MAINE 04074  
**Name:** BIOSITE, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 9975 SUMMERS RIDGE ROAD  
 SAN DIEGO, CALIFORNIA 92121  
**Name:** CHOLESTECH CORPORATION  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 9975 SUMMERS RIDGE ROAD  
 SAN DIEGO, CALIFORNIA 92121  
**Name:** FIRST CHECK DIAGNOSTICS CORP.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** FIRST CHECK ECOM, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** MASSACHUSETTS

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** HEMOSENSE, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 651 RIVER OAKS PARKWAY  
 SAN JOSE, CALIFORNIA 95134  
**Name:** INNOVACON, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 9975 SUMMERS RIDGE ROAD  
 SAN DIEGO, CALIFORNIA 92121  
**Name:** INSTANT TECHNOLOGIES, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** VIRGINIA

**Address:** 400 PORT CENTRE PARKWAY  
 PORTSMOUTH, VIRGINIA 23707  
**Name:** INVERNESS MEDICAL, LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** IVC INDUSTRIES, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 500 HALLS MILL ROAD  
 FREEHOLD, NEW JERSEY 07728  
**Name:** QUALITY ASSURED SERVICES, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** FLORIDA

**Address:** 30 SOUTH KELLER ROAD  
 ORLANDO, FLORIDA 32810  
**Name:** REDWOOD TOXICOLOGY LABORATORY, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** CALIFORNIA

**Address:** 3650 WESTWIND BOULEVARD  
 SANTA ROSA, CALIFORNIA 95403  
**Name:** RMD NETWORKS, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 8174 SOUTH HOLLY STREET, SUITE 453  
 CENTENNIAL, COLORADO 80122-4004  
**Name:** RTL HOLDINGS, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 3650 WESTWIND BOULEVARD  
 SANTA ROSA, CALIFORNIA 95403  
**Name:** SELFCARE TECHNOLOGY, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** SPDH, INC.  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Address:** 51 SAWYER ROAD, SUITE 200  
 WALTHAM, MASSACHUSETTS 02453  
**Name:** WAMPOLE LABORATORIES, LLC  
**Legal Entity Type:** LIMITED LIABILITY COMPANY **State or Country Where Organized:** DELAWARE

Address: 2 RESEARCH WAY  
PRINCETON, NEW JERSEY 08540

Name: ZYCARE, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: NORTH CAROLINA

Address: 3804 SWEETEN CREEK RD  
CHAPEL HILL, NORTH CAROLINA 27514

**Correspondent**

Correspondent Name: JUSTINE LU / WHITE & CASE LLP

Correspondent Address: 633 WEST FIFTH STREET, #1900  
LOS ANGELES, CA 90071

Domestic Representative - Not Found

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## Proceedings

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**Summary**

Number of Proceedings: 2

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**Type of Proceeding: Opposition**

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Proceeding Number: 91194923

Filing Date: May 18, 2010

Status: Terminated

Status Date: Sep 01, 2010

Interlocutory Attorney: JENNIFER KRISP

**Defendant**

Name: Skin Food International, LLC

Correspondent Address: DAVID ALLEN HALL  
HALL LAW FIRM  
PO BOX 1540  
BLANCO TX , 78606-1540  
UNITED STATES

Correspondent e-mail: [david@davidhallattorney.com](mailto:david@davidhallattorney.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ALERE	Abandoned - After Inter-Partes Decision Plaintiff(s)	<u>77807286</u>	

Name: Aiere Medical, Inc.

Correspondent Address: JOSHUA S JARVIS  
FOLEY HOAG LLP  
155 SEAPORT BLVD.  
BOSTON MA , 02210  
UNITED STATES

Correspondent e-mail: [jjarvis@foleyhoag.com](mailto:jjarvis@foleyhoag.com) , [ustrademark@foleyhoag.com](mailto:ustrademark@foleyhoag.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ALERE	Renewed	<u>75766963</u>	<u>2659940</u>
ALERE	Section 8 and 15 - Accepted and Acknowledged	<u>77443888</u>	<u>3530814</u>
ALERE	Registered	<u>77837309</u>	<u>4760465</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	May 18, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	May 18, 2010	Jun 27, 2010
3	PENDING, INSTITUTED	May 18, 2010	
4	ANSWER	Jun 23, 2010	
5	WITHDRAWAL OF APPLICATION	Aug 26, 2010	
6	BOARD'S DECISION: SUSTAINED	Sep 01, 2010	
7	TERMINATED	Sep 01, 2010	

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**Type of Proceeding: Cancellation**

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Proceeding Number: 92051129

Filing Date: Jun 18, 2009

Holaira001670

Status: Terminated

Status Date: Jan 05, 2010

Interlocutory Attorney: ANN LINNEHAN VOGLER

**Defendant**

Name: ASTHMATX, INC.

Correspondent Address: E Lynn Perry  
Perry IP Group ALC  
4 Embarcadero Center, 39th Floor  
San Francisco CA , 94111  
UNITED STATES

Correspondent e-mail: [lperry@perryip.com](mailto:lperry@perryip.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ALAIR	Section 15 - Acknowledged	<u>75863338</u>	<u>2856168</u>
ALAIR	Section 8 and 15 - Accepted and Acknowledged	<u>77019259</u>	<u>3380080</u>

**Plaintiff(s)**

Name: Alere Medical Incorporated

Correspondent Address: Joshua S. Jarvis, Esq.  
Foley Hoag LLP  
155 Seaport Blvd.  
Boston MA , 02210  
UNITED STATES

Correspondent e-mail: [cweinstein@foleyhoag.com](mailto:cweinstein@foleyhoag.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
ALERE	Renewed	<u>75766963</u>	<u>2659940</u>
ALERE	Section 8 and 15 - Accepted and Acknowledged	<u>77443888</u>	<u>3530814</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 18, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 19, 2009	Jul 29, 2009
3	PENDING, INSTITUTED	Jun 19, 2009	
4	UNDELIVERABLE MAIL	Jun 24, 2009	
5	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 30, 2009	Aug 09, 2009
6	STIPULATION FOR AN EXTENSION OF TIME	Jun 30, 2009	
7	EXTENSION OF TIME GRANTED	Jun 30, 2009	
8	PL'S RETURNED SERVICE NOTIFICATION	Jun 30, 2009	
9	ANSWER	Sep 01, 2009	
10	WITHDRAWAL OF PETITION FOR CANCELLATION	Dec 29, 2009	
11	BOARD'S DECISION: DISMISSED W/ PREJUDICE	Jan 05, 2010	
12	TERMINATED	Jan 05, 2010	

# APPLICANT'S EXHIBIT 15

Generated on: This page was generated by TSDR on 2015-07-02 16:31:29 EDT

Mark: ASPIRAIR

**ASPIRAIR**

**US Serial Number:** 79029780      **Application Filing Date:** Aug. 10, 2005  
**US Registration Number:** 4004421      **Registration Date:** Aug. 02, 2011  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Aug. 02, 2011  
**Publication Date:** May 17, 2011

## Mark Information

**Mark Literal Elements:** ASPIRAIR  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Related Properties Information

**International Registration Number:** 0900626  
**International Registration Date:** Aug. 10, 2005  
**Claimed Ownership of US Registrations:** 2863995

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

**For:** Pharmaceutical preparations, sold both within inhalers and in other forms, for the prevention or treatment of diseases or conditions of the respiratory and cardiovascular systems; pharmaceutical preparations, sold both within inhalers and in other forms, for the treatment of erectile dysfunction, premature ejaculation, chronic obstructive pulmonary disease, female sexual dysfunction, migraine, asthma, viral infections in asthma and chronic obstructive pulmonary disease, lung transplant rejection, aspergillosis, cystic fibrosis, epilepsy, restless leg syndrome, sleep disorders and Parkinson's disease; drug delivery agents consisting of compounds that facilitate delivery of pharmaceuticals, sold both within inhalers and in other forms, formulated for pulmonary delivery via inhalation

**International Class(es):** 005 - Primary Class      **U.S Class(es):** 006, 018, 044, 046, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 66(a)

**For:** Drug delivery systems; drug delivery devices, namely, inhalers for medical purposes sold empty; metered dose inhalers for medical purposes sold empty; active dry powder inhalers for medical purposes sold empty; passive dry powder inhalers for medical purposes sold empty; nebulisers for respiration therapy; replacement parts and fittings for all the aforesaid goods

**International Class(es):** 010 - Primary Class      **U.S Class(es):** 026, 039, 044  
**Class Status:** ACTIVE  
**Basis:** 66(a)

**For:** Printed matter, namely, printed publications in the nature of magazines, newsletters, pamphlets, reports, instructional and informational leaflets, and posters, in the fields of medicine and pharmaceuticals; paper, cardboard and goods made from these materials, namely, cardboard pharmaceutical packaging; blank patient record cards and prescription pads; pharmaceutical information leaflets; books in the fields of medicine and pharmaceuticals; packaging paper; stationery; printed instructional and teaching materials relating to the pharmaceutical, health care and medical fields

**International Class(es):** 016 - Primary Class      **U.S Class(es):** 002, 005, 022, 023, 029, 037, 038, 050  
**Class Status:** ACTIVE  
**Basis:** 66(a)

## Basis Information (Case Level)

Holaira001574

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

**Owner Name:** Vectura Delivery Devices Limited  
**Owner Address:** 1 Prospect West  
Chippenham Wiltshire SN14 6FH  
UNITED KINGDOM  
**Legal Entity Type:** limited company (Ltd.) **State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Mark B. Harrison **Docket Number:** 60895-245953

### Correspondent

**Correspondent Name/Address:** MARK B. HARRISON  
VENABLE LLP  
P.O. BOX 34385  
WASHINGTON, DISTRICT OF COLUMBIA 20043-9998  
UNITED STATES

**Phone:** 202 344 4000

**Fax:** 202 344 8300

### Domestic Representative

**Domestic Representative Name:** Mark B. Harrison **Phone:** 202 344 4000  
**Fax:** 202 344 8300

## Prosecution History

Date	Description	Proceeding Number
Feb. 24, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Nov. 10, 2011	FINAL DISPOSITION NOTICE SENT TO IB	
Nov. 04, 2011	FINAL DISPOSITION PROCESSED	68359
Nov. 02, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Aug. 02, 2011	REGISTERED-PRINCIPAL REGISTER	
May 17, 2011	PUBLISHED FOR OPPOSITION	
May 13, 2011	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 27, 2011	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 27, 2011	NOTICE OF START OF OPPOSITION PERIOD CREATED, TO BE SENT TO IB	
Apr. 27, 2011	NOTICE OF PUBLICATION	
Apr. 09, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Apr. 08, 2011	ASSIGNED TO LIE	77312
Apr. 08, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 30, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Mar. 30, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Mar. 30, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Oct. 04, 2010	PRIORITY ACTION MAILED	
Oct. 04, 2010	PRIORITY ACTION WRITTEN	76419
Sep. 08, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 07, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 07, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 07, 2010	TEAS CHANGE OF CORRESPONDENCE RECEIVED	

Mar. 10, 2010	NON-FINAL ACTION MAILED	
Mar. 10, 2010	NON-FINAL ACTION WRITTEN	76419
Feb. 19, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	78145
Feb. 18, 2010	ASSIGNED TO LIE	78145
Oct. 14, 2009	NEW REPRESENTATIVE AT IB RECEIVED	
Oct. 09, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Aug. 17, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Feb. 17, 2009	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Aug. 28, 2008	NEW REPRESENTATIVE AT IB RECEIVED	
Aug. 15, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Apr. 24, 2008	NOTIFICATION OF POSSIBLE OPPOSITION - PROCESSED BY IB	
Apr. 10, 2008	NOTIFICATION OF POSSIBLE OPPOSITION SENT TO IB	
Apr. 10, 2008	NOTIFICATION OF POSSIBLE OPPOSITION CREATED, TO BE SENT TO IB	
Feb. 07, 2008	REPORT COMPLETED SUSPENSION CHECK CASE STILL SUSPENDED	78288
Jul. 30, 2007	LETTER OF SUSPENSION MAILED	
Jul. 28, 2007	SUSPENSION LETTER WRITTEN	76419
Jun. 14, 2007	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	78288
Jun. 14, 2007	ASSIGNED TO LIE	78288
May 29, 2007	PAPER RECEIVED	
Dec. 15, 2006	REFUSAL PROCESSED BY IB	
Nov. 29, 2006	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Nov. 29, 2006	REFUSAL PROCESSED BY MPU	74217
Nov. 22, 2006	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Nov. 21, 2006	NON-FINAL ACTION WRITTEN	76419
Nov. 14, 2006	ASSIGNED TO EXAMINER	76419
Nov. 14, 2006	NEW APPLICATION ENTERED IN TRAM	
Nov. 09, 2006	SN ASSIGNED FOR SECT 66A APPL FROM IB	

### International Registration Information (Section 66a)

International Registration Number: 0900626	International Registration Date: Aug. 10, 2005
Priority Claimed Flag: Yes	Date of Section 67 Priority Claim: Feb. 17, 2005
Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status: Nov. 09, 2006
Notification of Designation Date: Nov. 09, 2006	Date of Automatic Protection: May 09, 2008
International Registration Renewal Date: Aug. 10, 2015	
First Refusal Flag: Yes	

### TM Staff and Location Information

TM Staff Information - None  
File Location

Current Location: PUBLICATION AND ISSUE SECTION      Date in Location: Aug. 02, 2011

### Assignment Abstract Of Title Information

#### Summary

Total Assignments: 1

Registrant: Vectura Delivery Devices Limited

#### Assignment 1 of 1

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4077/0151

Pages: 2

Date Recorded: Oct. 09, 2009

Supporting Documents: [assignment-tm-4077-0151.pdf](#)

**Assignor**

Name: VECTURA LIMITED  
Legal Entity Type: UNKNOWN

Execution Date: Aug. 19, 2009  
State or Country Where Organized: UNITED KINGDOM

**Assignee**

Name: VECTURA DELIVERY DEVICES LIMITED  
Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: 1 PROSPECT WEST  
CHIPPENHAM  
WILTSHIRE SN14 6FH, UNITED KINGDOM

**Correspondent**

Correspondent Name: VECTURA DELIVERY DEVICES LIMITED  
Correspondent Address: 1 PROSPECT WEST  
CHIPPENHAM  
WILTSHIRE SN14 6FH  
UNITED KINGDOM

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 16



Attorney Name: Mark I. Feldman

Attorney Primary Email [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
Address:

Attorney Email No  
Authorized:

**Correspondent**

**Correspondent Name/Address:** MARK I. FELDMAN  
DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS 60664-0807  
UNITED STATES

**Phone:** 312 368 4000

**Fax:** 312 236 7516

**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 10, 2012	PUBLISHED FOR OPPOSITION	
Mar. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 07, 2012	ASSIGNED TO LIE	77312
Feb. 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 17, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT -WRITTEN	85331
Feb. 16, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 18, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION WRITTEN	85331
Aug. 17, 2011	ASSIGNED TO EXAMINER	85331
May 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 09, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Jun. 26, 2012

## Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 1

**Registrant:** Chart Inc.

**Assignment 1 of 1**

**Conveyance:** SECURITY INTEREST

**Reel/Frame:** [4819/0569](#)

**Pages:** 6

**Date Recorded:** Jul. 11, 2012

**Supporting Documents:** [assignment-tm-4819-0569.pdf](#)

**Assignor**

**Name:** [CHART INC.](#)

**Execution Date:** Apr. 26, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: UNITED STATES

Address: 10 SOUTH DEARBORN  
CHICAGO, ILLINOIS 60603

**Correspondent**

Correspondent Name: DUSAN CLARK, ESQ.

Correspondent Address: SIDLEY AUSTIN LLP  
717 N. HARWOOD ST., SUITE 3400  
DALLAS, TX 75201

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 17

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Mark: CAIRE



US Serial Number: 85313715      Application Filing Date: May 05, 2011  
US Registration Number: 4163422      Registration Date: Jun. 26, 2012  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Jun. 26, 2012  
Publication Date: Apr. 10, 2012

## Mark Information

Mark Literal Elements: CAIRE  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of the wording "CAIRE" with a design of three wavy lines above the wording.  
Color(s) Claimed: Color is not claimed as a feature of the mark.  
Translation: The wording "CAIRE" has no meaning in a foreign language.  
Design Search Code(s): 26.17.02 - Bands, wavy; Bars, wavy; Lines, wavy; Wavy line(s), band(s) or bar(s)  
26.17.06 - Bands, diagonal; Bars, diagonal; Diagonal line(s), band(s) or bar(s); Lines, diagonal

## Related Properties Information

Claimed Ownership of US Registrations: 1893782, 1893785

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: medical respiratory equipment, namely, liquid oxygen stationary and portable reservoirs and stationary and portable oxygen concentrators

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 1993

Use in Commerce: Jun. 1993

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Chart Inc.  
Owner Address: Suite 300  
One Infinity Corporate Centre Dr.  
Garfield Heights, OHIO 44125  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where: DELAWARE

Holaira001581

Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Mark I. Feldman  
**Attorney Primary Email Address:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** MARK I. FELDMAN  
DLA PIPER LLP (US)  
PO BOX 64807  
CHICAGO, ILLINOIS 60664-0807  
UNITED STATES  
**Phone:** 312 368 4000  
**Fax:** 312 236 7516  
**Correspondent e-mail:** [ch.tm@dlapiper.com](mailto:ch.tm@dlapiper.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Jun. 26, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 10, 2012	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Apr. 10, 2012	PUBLISHED FOR OPPOSITION	
Mar. 21, 2012	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Mar. 07, 2012	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Mar. 07, 2012	ASSIGNED TO LIE	77312
Feb. 17, 2012	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 17, 2012	EXAMINER'S AMENDMENT ENTERED	88888
Feb. 17, 2012	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT E-MAILED	6328
Feb. 17, 2012	EXAMINERS AMENDMENT -WRITTEN	85331
Feb. 16, 2012	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Feb. 16, 2012	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Feb. 16, 2012	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 18, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION E-MAILED	6325
Aug. 18, 2011	NON-FINAL ACTION WRITTEN	85331
Aug. 17, 2011	ASSIGNED TO EXAMINER	85331
May 12, 2011	NOTICE OF DESIGN SEARCH CODE MAILED	
May 11, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
May 09, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION  
**Date in Location:** Jun. 26, 2012

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1  
**Registrant:** Chart Inc.

### Assignment 1 of 1

**Conveyance:** SECURITY INTEREST  
**Reel/Frame:** [4819/0569](#)  
**Date Recorded:** Jul. 11, 2012  
**Pages:** 6

Holaira001582

Supporting Documents: [assignment-tm-4819-0569.pdf](#)

**Assignor**

**Name:** CHART INC. **Execution Date:** Apr. 26, 2012  
**Legal Entity Type:** CORPORATION **State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** JPMORGAN CHASE BANK, N.A., AS ADMINISTRATIVE AGENT  
**Legal Entity Type:** NATIONAL BANKING ASSOCIATION **State or Country Where Organized:** UNITED STATES  
**Address:** 10 SOUTH DEARBORN  
CHICAGO, ILLINOIS 60603

**Correspondent**

**Correspondent Name:** DUSAN CLARK, ESQ.  
**Correspondent Address:** SIDLEY AUSTIN LLP  
717 N. HARWOOD ST., SUITE 3400  
DALLAS, TX 75201

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 18



Attorney Name: Miriam D. Trudell  
Attorney Primary Email [mtrudell@sheridanross.com](mailto:mtrudell@sheridanross.com)  
Address:

Docket Number: 3170-4  
Attorney Email Yes  
Authorized:

**Correspondent**

**Correspondent Name/Address:** Miriam D. Trudell  
Sheridan Ross P.C.  
1560 BROADWAY, SUITE 1200  
DENVER, COLORADO 80202-5141  
UNITED STATES

Correspondent e-mail: [mtrudell@sheridanross.com](mailto:mtrudell@sheridanross.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative - Not Found**

**Prosecution History**

Date	Description	Proceeding Number
May 18, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	67603
May 18, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
May 15, 2007	ASSIGNED TO PARALEGAL	67603
May 09, 2007	CASE FILE IN TICRS	
Apr. 16, 2007	TEAS SECTION 8 & 9 RECEIVED	
Apr. 22, 2004	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 12, 2004	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Mar. 17, 1998	REGISTERED-PRINCIPAL REGISTER	
Dec. 23, 1997	PUBLISHED FOR OPPOSITION	
Nov. 21, 1997	NOTICE OF PUBLICATION	
Oct. 28, 1997	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 24, 1997	EXAMINER'S AMENDMENT MAILED	
Oct. 14, 1997	ASSIGNED TO EXAMINER	73341

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 17, 2008

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 18, 2007

**Assignment Abstract Of Title Information**

**Summary**

Total Assignments: 2

Registrant: Westmed, Inc.

**Assignment 1 of 2**

Conveyance: SECURITY INTEREST EFFECTIVE 11272006

Reel/Frame: [3450/0367](#)

Pages: 9

Date Recorded: Dec. 22, 2006

Supporting Documents: [assignment-tm-3450-0367.pdf](#)

**Assignor**

Name: [WESTMED, INC.](#)

Execution Date: Nov. 27, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: ARIZONA

**Assignee**

Name: [WELLS FARGO BANK, NATIONAL ASSOCIATION](#)

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: UNITED STATES

Organized:

Address: 1740 BROADWAY  
MAC C7300-210  
DENVER, COLORADO 80274

**Correspondent**

**Correspondent Name:** SONYA RUSSELL

**Correspondent Address:** 170 SOUTH MAIN STREET; SUITE 900  
DORSEY & WHITNEY  
SALT LAKE CITY, UT 84101

**Domestic Representative - Not Found**

**Assignment 2 of 2**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** 3820/0239

**Pages:** 7

**Date Recorded:** Jul. 22, 2008

**Supporting Documents:** [assignment-tm-3820-0239.pdf](#)

**Assignor**

**Name:** WELLS FARGO BANK, NATIONAL ASSOCIATION

**Execution Date:** Jul. 22, 2008

**Legal Entity Type:** NATIONAL ASSOCIATION

**State or Country Where Organized:** UNITED STATES

**Assignee**

**Name:** WESTMED, INC.

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** ARIZONA

**Address:** 5580 S. NOGALES HIGHWAY  
TUCSON, ARIZONA 85706

**Correspondent**

**Correspondent Name:** SONYA RUSSELL

**Correspondent Address:** 136 SOUTH MAIN STREET  
SUITE 1000  
SALT LAKE CITY, UT 84101

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 19

Generated on: This page was generated by TSDR on 2015-07-02 16:32:51 EDT

Mark: GENUAIR

GENUAIR

US Serial Number: 85255744  
Application Filing Date: Mar. 02, 2011  
US Registration Number: 4090022  
Registration Date: Jan. 24, 2012  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Jan. 24, 2012  
Publication Date: Nov. 08, 2011

## Mark Information

Mark Literal Elements: GENUAIR  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 3318693, 3547148, 3623195 and others

## Foreign Information

Foreign Registration Number: 2707043  
Foreign Registration Date: Sep. 04, 2006  
Foreign Application/Registration Country: SPAIN  
Foreign Expiration Date: Sep. 04, 2016

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for treating respiratory diseases, supplied in pre-filled inhalers

International Class(es): 005 - Primary Class  
U.S Class(es): 006, 018, 044, 046, 051, 052  
Class Status: ACTIVE  
Basis: 44(e)

For: Inhalers for medical purposes, for the treatment of respiratory diseases; medical devices for the treatment of respiratory diseases, namely, medical apparatus for diagnosing or treating respiratory conditions

International Class(es): 010 - Primary Class  
U.S Class(es): 026, 039, 044  
Class Status: ACTIVE  
Basis: 44(e)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Holaira001584

Owner Name: ASTRAZENECA AB  
Owner Address: VASTRA MALAREHAMNEN 9  
SODERTALJE SE 151 85  
SWEDEN  
Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Wm. Charles Saunders  
Attorney Primary Email Address: [trademarks@astrazeneca.com](mailto:trademarks@astrazeneca.com)  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Wm. Charles Saunders  
AstraZeneca Pharmaceuticals LP  
1800 Concord Pike  
FOP3-318  
Wilmington, DELAWARE 19850-5437  
UNITED STATES  
Phone: (302) 885-4268 Fax: (302) 885-9717  
Correspondent e-mail: [trademarks@astrazeneca.com](mailto:trademarks@astrazeneca.com) [chuck.saunders@astrazeneca.com](mailto:chuck.saunders@astrazeneca.com) [astrazeneca.com](mailto:astrazeneca.com) [paula.wright@astrazeneca.com](mailto:paula.wright@astrazeneca.com)  
Correspondent e-mail Authorized: Yes

### Domestic Representative

Domestic Representative Name: Susan Upton Douglass  
Phone: 212-813-5900  
Fax: 212-813-5901  
Domestic Representative e-mail: [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 08, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 22, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 24, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 08, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 08, 2011	PUBLISHED FOR OPPOSITION	
Sep. 30, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	68123
Sep. 28, 2011	ASSIGNED TO LIE	68123
Sep. 16, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 16, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 16, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 16, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
May 29, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
May 29, 2011	NON-FINAL ACTION E-MAILED	6325
May 29, 2011	NON-FINAL ACTION WRITTEN	74671
May 28, 2011	ASSIGNED TO EXAMINER	74671
Mar. 08, 2011	NOTICE OF PSEUDO MARK MAILED	
Mar. 07, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 05, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 24, 2012

## Assignment Abstract Of Title Information

Holaira001585

**Summary**

Total Assignments: 2

Registrant: Almirall, S.A.

**Assignment 1 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0280

Pages: 23

Date Recorded: Apr. 17, 2015

Supporting Documents: [assignment-tm-5499-0280.pdf](#)**Assignor**Name: ALMIRALL, S.A.

Execution Date: Mar. 31, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**Name: ASTRAZENECA UK LIMITED

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: GREAT BRITAIN

Address: 2 KINGDOM STREET  
LONDON, ENGLAND W2 6BD**Correspondent**

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE  
CASTLE STREET, JE1 1BL JERSEY**Domestic Representative - Not Found****Assignment 2 of 2**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0318

Pages: 4

Date Recorded: Apr. 17, 2015

Supporting Documents: [assignment-tm-5499-0318.pdf](#)**Assignor**Name: ASTRAZENECA UK LIMITED

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: No Place Where Organized Found

**Assignee**Name: ASTRAZENECA AB

Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

Address: VASTRA MALAREHAMNEN 9  
SODERTALJE, SWEDEN SE 151 85**Correspondent**

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE  
CASTLE STREET, JE1 1BL JERSEY**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 20

Generated on: This page was generated by TSDR on 2015-07-02 16:25:38 EDT

Mark: HUMIDAIRE

HUMIDAIRE

US Serial Number: 75334496      Application Filing Date: Aug. 01, 1997  
US Registration Number: 2386753      Registration Date: Sep. 19, 2000  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Jul. 15, 2010  
Publication Date: Jun. 27, 2000

## Mark Information

Mark Literal Elements: HUMIDAIRE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: apparatus for artificial respiration, [respiratory masks and mask filters for medical use,] humidifiers for use with a respiratory apparatus for medical use, and parts for all the foregoing

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Sep. 22, 1997

Use in Commerce: Sep. 22, 1997

## Basis Information (Case Level)

Filed Use: No	Currently Use: Yes	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: ResMed Limited  
Owner Address: 1 Elizabeth Macarthur Drive  
Bella Vista, NSW 2153  
AUSTRALIA  
Legal Entity Type: CORPORATION      State or Country Where Organized: AUSTRALIA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Ronald E Shapiro      Docket Number: CPA8085  
Attorney Primary Email Address: [rshapiro@sasiplaw.com](mailto:rshapiro@sasiplaw.com)      Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Ronald E Shapiro  
Shapiro and Silverstein PLLC  
11350 Random Hills Road, Suite 740  
Fairfax, VIRGINIA 22030

Holaira001587

UNITED STATES

Phone: 703-273-7680

Fax: 703-273-7684

Correspondent e-mail: [rshapiro@sasiplaw.com](mailto:rshapiro@sasiplaw.com)

Correspondent e-mail Yes  
Authorized:

**Domestic Representative**

Domestic Representative Name: Welsh & Katz, Ltd.

**Prosecution History**

Date	Description	Proceeding Number
Jul. 15, 2010	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68973
Jul. 15, 2010	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jul. 14, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jul. 13, 2010	TEAS SECTION 8 & 9 RECEIVED	
Feb. 09, 2006	CASE FILE IN TICRS	
Dec. 19, 2005	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	60132
Dec. 19, 2005	ASSIGNED TO PARALEGAL	60132
Nov. 17, 2005	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 17, 2005	PAPER RECEIVED	
Sep. 19, 2000	REGISTERED-PRINCIPAL REGISTER	
Jun. 27, 2000	PUBLISHED FOR OPPOSITION	
May 26, 2000	NOTICE OF PUBLICATION	
Sep. 09, 1999	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 09, 1999	USE AMENDMENT ACCEPTED	
Apr. 12, 1999	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Dec. 29, 1998	NON-FINAL ACTION MAILED	
Dec. 22, 1998	ASSIGNED TO EXAMINER	71994
Sep. 14, 1998	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 08, 1998	AMENDMENT TO USE PROCESSING COMPLETE	
Sep. 14, 1998	USE AMENDMENT FILED	
Mar. 13, 1998	NON-FINAL ACTION MAILED	
Mar. 11, 1998	ASSIGNED TO EXAMINER	69185

**Maintenance Filings or Post Registration Information**

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Sep. 19, 2010

**TM Staff and Location Information**

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Jul. 15, 2010

# APPLICANT'S EXHIBIT 21

Generated on: This page was generated by TSDR on 2015-07-03 14:51:39 EDT

Mark: MAXAIR

US Serial Number: 73718681                      Application Filing Date: Mar. 25, 1988  
US Registration Number: 1523151                      Registration Date: Feb. 07, 1989  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Mar. 31, 2009  
Publication Date: Nov. 15, 1988

## Mark Information

Mark Literal Elements: MAXAIR  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: PIRBUTEROL PHARMACEUTICAL PREPARATION FOR THE TREATMENT OF BRONCHOSPASM

International Class(es): 005 - Primary Class

U.S Class(es): 018

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 10, 1988

Use in Commerce: Feb. 10, 1988

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: MEDICIS PHARMACEUTICAL CORPORATION  
Owner Address: 7720 NORTH DOBSON ROAD  
SCOTTSDALE, ARIZONA 85256  
UNITED STATES  
Legal Entity Type: CORPORATION                      State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Sally M. Abel                      Docket Number: 29043-00070  
Attorney Primary Email: trademarks@fenwick.com                      Attorney Email: Yes

Holaira001628

Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** Sally M. Abel  
Fenwick & West LLP  
801 California Street  
Silicon Valley Center  
Mountain View, CALIFORNIA 94041  
UNITED STATES

**Phone:** (650) 988-8500

**Fax:** (650) 938-5200

**Correspondent e-mail:** [trademarks@fenwick.com](mailto:trademarks@fenwick.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

### Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 01, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Apr. 20, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 20, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 31, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	73376
Mar. 31, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Feb. 09, 2009	ASSIGNED TO PARALEGAL	73376
Feb. 06, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jul. 18, 2008	CASE FILE IN TICRS	
May 16, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 21, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 07, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jan. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 14, 1995	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Aug. 26, 1994	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Aug. 12, 1994	POST REGISTRATION ACTION MAILED - SEC. 8 & 15	
Feb. 22, 1994	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Feb. 07, 1989	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 1988	PUBLISHED FOR OPPOSITION	
Oct. 15, 1988	NOTICE OF PUBLICATION	
Aug. 19, 1988	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 18, 1988	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 15, 1988	NON-FINAL ACTION MAILED	
May 16, 1988	ASSIGNED TO EXAMINER	66354

### Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Feb. 07, 2009

### TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Mar. 31, 2009

# Assignment Abstract Of Title Information

## Summary

Total Assignments: 11

Registrant: RIKER LABORATORIES, INC.

### Assignment 1 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3233/0442

Pages: 3

Date Recorded: Jan. 25, 2006

Supporting Documents: [assignment-tm-3233-0442.pdf](#)

#### Assignor

Name: RIKER LABORATORIES, INC.

Execution Date: Jan. 25, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: 3M COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 2501 HUDSON ROAD  
3M CENTER  
ST. PAUL, MINNESOTA 55144

#### Correspondent

Correspondent Name: JAMES F. VOEGELI

Correspondent Address: 2501 HUDSON ROAD  
3M CENTER, BLDG. 220-9E-01  
ST. PAUL, MN 55144

#### Domestic Representative - Not Found

### Assignment 2 of 11

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3467/0917

Pages: 67

Date Recorded: Jan. 25, 2007

Supporting Documents: [assignment-tm-3467-0917.pdf](#)

#### Assignor

Name: 3M COMPANY

Execution Date: Dec. 29, 2006

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

#### Assignee

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDMONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

#### Correspondent

Correspondent Name: CARRIE WEBB OLSON

Correspondent Address: P.O. BOX 130  
F.D.R. STATION  
NEW YORK, NY 10150

#### Domestic Representative - Not Found

### Assignment 3 of 11

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3503/0854

Pages: 8

Date Recorded: Mar. 20, 2007

Supporting Documents: [assignment-tm-3503-0854.pdf](#)

#### Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: Dec. 29, 2006

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee**

**Name:** BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

**Correspondent Address:** 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 4 of 11**

**Conveyance:** SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

**Reel/Frame:** 3506/0506

**Pages:** 8

**Date Recorded:** Mar. 23, 2007

**Supporting Documents:** [assignment-tm-3506-0506.pdf](#)

**Assignor**

**Name:** GRACEWAY PHARMACEUTICALS, LLC

**Execution Date:** Dec. 29, 2006

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Name:** CHESTER VALLEY PHARMACEUTICALS, LLC

**Execution Date:** Dec. 29, 2006

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Assignee**

**Name:** BANK OF AMERICA, N.A., AS SECOND LIEN COLLATERAL AGENT

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

**Correspondent Address:** 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 5 of 11**

**Conveyance:** RELEASE OF FIRST LIEN SECURITY INTEREST IN TRADEMARKS

**Reel/Frame:** 3539/0761

**Pages:** 6

**Date Recorded:** May 10, 2007

**Supporting Documents:** [assignment-tm-3539-0761.pdf](#)

**Assignor**

**Name:** BANK OF AMERICA, N.A.

**Execution Date:** May 03, 2007

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** CHESTER VALLEY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 2 WEST LIBERTY BLVD.  
SUITE 203  
MALVERN, PENNSYLVANIA 19355

**Name:** GRACEWAY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 340 EDGE MONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 6 of 11**

Conveyance: RELEASE OF SECOND LIEN SECURITY INTEREST IN TRADEMARKS

Reel/Frame: 3539/0782

Pages: 6

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3539-0782.pdf

**Assignor**

Name: BANK OF AMERICA, N.A.

Execution Date: May 03, 2007

Legal Entity Type: NATIONAL ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: GRACEWAY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDGEMONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 2 WEST LIBERTY BLVD.  
SUITE 203  
MALVERN, PENNSYLVANIA 19355

**Correspondent**

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 7 of 11**

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0445

Pages: 16

Date Recorded: May 10, 2007

Supporting Documents: assignment-tm-3540-0445.pdf

**Assignor**

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

**Assignee**

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

**Correspondent**

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 8 of 11**

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0644

Pages: 16

Date Recorded: May 11, 2007

Supporting Documents: [assignment-tm-3540-0644.pdf](#)

**Assignor**

Name: GRACEWAY PHARMACEUTICALS, LLC Execution Date: May 03, 2007  
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: No Place Where Organized Found

Name: CHESTER VALLEY PHARMACEUTICALS, LLC Execution Date: May 03, 2007  
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

**Assignee**

Name: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS SECOND LIEN COLLATERAL AGENT  
Legal Entity Type: BANK State or Country Where Organized: No Place Where Organized Found

Address: 60 WALL STREET  
NEW YORK, NEW YORK 10005

**Correspondent**

Correspondent Name: CORPORATION SERVICE COMPANY  
Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 9 of 11**

Conveyance: ASSIGNS THE ENTIRE INTEREST  
Reel/Frame: 4688/0271 Pages: 11  
Date Recorded: Dec. 28, 2011  
Supporting Documents: [assignment-tm-4688-0271.pdf](#)

**Assignor**

Name: GRACEWAY PHARMACEUTICALS, LLC Execution Date: Dec. 02, 2011  
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

**Assignee**

Name: MEDICIS PHARMACEUTICAL CORPORATION  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 7720 NORTH DOBSON ROAD  
SCOTTSDALE, ARIZONA 85256

**Correspondent**

Correspondent Name: PATRICK J. CONCANNON  
Correspondent Address: EDWARDS WILDMAN PALMER LLP  
F.D.R. STATION, P.O. BOX 130  
NEW YORK, NY 10150

**Domestic Representative - Not Found**

**Assignment 10 of 11**

Conveyance: SECURITY AGREEMENT  
Reel/Frame: 5012/0736 Pages: 23  
Date Recorded: Apr. 24, 2013  
Supporting Documents: [assignment-tm-5012-0736.pdf](#)

**Assignor**

Name: MEDICIS PHARMACEUTICAL CORPORATION Execution Date: Apr. 23, 2013  
Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: GOLDMAN SACHS LENDING PARTNERS LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Address: 200 WEST STREET  
NEW YORK, NEW YORK 10282

**Correspondent**

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT  
Correspondent Address: 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

Domestic Representative - Not Found

Assignment 11 of 11

Conveyance: NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: 5439/0392

Pages: 50

Date Recorded: Jan. 09, 2015

Supporting Documents: assignment-tm-5439-0392.pdf

Assignor

Name: GOLDMAN SACHS LENDING PARTNERS, LLC

Execution Date: Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: BARCLAYS BANK PLC, AS SUCCESSOR AGENT

Legal Entity Type: BANK

State or Country Where Organized: UNITED KINGDOM

Address: 745 SEVENTH AVENUE  
NEW YORK, NEW YORK 10019

Correspondent

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: 91107074

Filing Date: Jul 22, 1997

Status: Terminated

Status Date: Jun 02, 1998

Interlocutory Attorney: CHARLES GRENDEL

Defendant

Name: AMERICAN WHITE CROSS, INC.

Correspondent Address: PAULA D. MORRIS  
ROSENBLATT & REDANO, P.C.  
ONE GREENWAY PLAZA SUITE 500  
HOUSTON TX , 77046  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
AIR MAX	Abandoned - After Inter-Partes Decision	75139476	

Plaintiff(s)

Name: MINNESOTA MINING AND MANUFACTURING COMPANY

Correspondent Address: MICHAEL S. METTEAUER  
ARNOLD, WHITE & DURKEE  
P.O. BOX 4433  
HOUSTON TX , 77210  
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
MAXAIR	Renewed	73718681	1523151

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jul 22, 1997	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Aug 06, 1997	Sep 15, 1997
3	PENDING, INSTITUTED	Aug 04, 1997	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Sep 12, 1997	
5	PROCS RESUMED; ANSWER DUE 30 DAYS	Apr 16, 1998	

6

BOARD'S DECISION: SUSTAINED

Jun 02, 1998

7

TERMINATED

Jun 02, 1998

# APPLICANT'S EXHIBIT 22

Generated on: This page was generated by TSDR on 2015-07-03 14:56:05 EDT

Mark: MAXAIR

MAXAIR

US Serial Number: 78855435      Application Filing Date: Apr. 06, 2006  
US Registration Number: 3208459      Registration Date: Feb. 13, 2007  
Register: Principal  
Mark Type: Trademark  
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.  
Status Date: Mar. 04, 2013  
Publication Date: Nov. 28, 2006

## Mark Information

Mark Literal Elements: MAXAIR  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 1523151

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations, namely, bronchodilators for treating respiratory conditions such as bronchospasm and asthma

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jan. 31, 1990

Use in Commerce: Jan. 31, 1990

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: MEDICIS PHARMACEUTICAL CORPORATION  
Owner Address: 7720 NORTH DOBSON ROAD  
SCOTTSDALE, ARIZONA 85256  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: DELAWARE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Sally M. Abel      Docket Number: 29043-00070  
Attorney Primary Email [trademarks@fenwick.com](mailto:trademarks@fenwick.com)      Attorney Email Yes

Holaira001689

Address:

Authorized:

**Correspondent**

**Correspondent Name/Address:** Sally M. Abel  
Fenwick & West LLP  
801 California Street  
Silicon Valley Center  
Mountain View, CALIFORNIA 94041  
UNITED STATES

**Phone:** (650) 988-8500

**Fax:** (650) 938-5200

**Correspondent e-mail:** [trademarks@fenwick.com](mailto:trademarks@fenwick.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Jan. 21, 2015	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 01, 2013	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 04, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Mar. 04, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Mar. 04, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Feb. 12, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 04, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 05, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 05, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 16, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 28, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Mar. 21, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Feb. 13, 2007	REGISTERED-PRINCIPAL REGISTER	
Feb. 07, 2007	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jan. 25, 2007	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 28, 2006	PUBLISHED FOR OPPOSITION	
Nov. 08, 2006	NOTICE OF PUBLICATION	
Oct. 02, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76568
Sep. 28, 2006	ASSIGNED TO LIE	76568
Sep. 17, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 17, 2006	ASSIGNED TO EXAMINER	76151
Apr. 12, 2006	NOTICE OF PSEUDO MARK MAILED	
Apr. 11, 2006	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** TMEG LAW OFFICE 106

**Date in Location:** Mar. 04, 2013

## Assignment Abstract Of Title Information

**Summary**

**Total Assignments:** 10

**Registrant:** 3M Company

**Assignment 1 of 10**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 3467/0917

Pages: 67

Date Recorded: Jan. 25, 2007

Supporting Documents: assignment-tm-3467-0917.pdf

**Assignor**

Name: 3M COMPANY  
Legal Entity Type: CORPORATION

Execution Date: Dec. 29, 2006  
State or Country Where Organized: DELAWARE

**Assignee**

Name: GRACEWAY PHARMACEUTICALS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Address: 340 EDMONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

**Correspondent**

Correspondent Name: CARRIE WEBB OLSON

Correspondent Address: P.O. BOX 130  
F.D.R. STATION  
NEW YORK, NY 10150

**Domestic Representative - Not Found**

**Assignment 2 of 10**

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3503/0854

Pages: 8

Date Recorded: Mar. 20, 2007

Supporting Documents: assignment-tm-3503-0854.pdf

**Assignor**

Name: GRACEWAY PHARMACEUTICALS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Dec. 29, 2006  
State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Dec. 29, 2006  
State or Country Where Organized: DELAWARE

**Assignee**

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT  
Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

**Correspondent**

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 3 of 10**

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3506/0506

Pages: 8

Date Recorded: Mar. 23, 2007

Supporting Documents: assignment-tm-3506-0506.pdf

**Assignor**

Name: GRACEWAY PHARMACEUTICALS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Dec. 29, 2006  
State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC  
Legal Entity Type: LIMITED LIABILITY COMPANY

Execution Date: Dec. 29, 2006  
State or Country Where Organized: DELAWARE

**Assignee**

Name: BANK OF AMERICA, N.A., AS SECOND LIEN COLLATERAL AGENT

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Address:** 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

**Correspondent Address:** 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 4 of 10**

**Conveyance:** RELEASE OF FIRST LIEN SECURITY INTEREST IN TRADEMARKS

**Reel/Frame:** 3539/0761

**Pages:** 6

**Date Recorded:** May 10, 2007

**Supporting Documents:** [assignment-tm-3539-0761.pdf](#)

**Assignor**

**Name:** BANK OF AMERICA, N.A.

**Execution Date:** May 03, 2007

**Legal Entity Type:** NATIONAL BANKING ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** CHESTER VALLEY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 2 WEST LIBERTY BLVD.  
SUITE 203  
MALVERN, PENNSYLVANIA 19355

**Name:** GRACEWAY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 340 EDMONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

**Correspondent Address:** 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

**Domestic Representative - Not Found**

**Assignment 5 of 10**

**Conveyance:** RELEASE OF SECOND LIEN SECURITY INTEREST IN TRADEMARKS

**Reel/Frame:** 3539/0782

**Pages:** 6

**Date Recorded:** May 10, 2007

**Supporting Documents:** [assignment-tm-3539-0782.pdf](#)

**Assignor**

**Name:** BANK OF AMERICA, N.A.

**Execution Date:** May 03, 2007

**Legal Entity Type:** NATIONAL ASSOCIATION

**State or Country Where Organized:** No Place Where Organized Found

**Assignee**

**Name:** GRACEWAY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 340 EDMONT AVENUE  
SUITE 500  
BRISTOL, TENNESSEE 37620

**Name:** CHESTER VALLEY PHARMACEUTICALS, LLC

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** DELAWARE

**Address:** 2 WEST LIBERTY BLVD.  
SUITE 203  
MALVERN, PENNSYLVANIA 19355

**Correspondent**

**Correspondent Name:** CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 6 of 10

Conveyance: FIRST LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0445

Pages: 16

Date Recorded: May 10, 2007

Supporting Documents: [assignment-tm-3540-0445.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: BANK OF AMERICA, N.A., AS FIRST LIEN COLLATERAL AGENT

Legal Entity Type: NATIONAL BANKING ASSOCIATION

State or Country Where Organized: No Place Where Organized Found

Address: 101 N. TRYON STREET  
MAIL CODE NC1-001-15-14  
CHARLOTTE, NORTH CAROLINA 28255

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 7 of 10

Conveyance: SECOND LIEN GRANT OF SECURITY INTEREST IN UNITED STATES PATENTS AND TRADEMARKS

Reel/Frame: 3540/0644

Pages: 16

Date Recorded: May 11, 2007

Supporting Documents: [assignment-tm-3540-0644.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: No Place Where Organized Found

Name: CHESTER VALLEY PHARMACEUTICALS, LLC

Execution Date: May 03, 2007

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: DELAWARE

Assignee

Name: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS SECOND LIEN COLLATERAL AGENT

Legal Entity Type: BANK

State or Country Where Organized: No Place Where Organized Found

Address: 60 WALL STREET  
NEW YORK, NEW YORK 10005

Correspondent

Correspondent Name: CORPORATION SERVICE COMPANY

Correspondent Address: 1133 AVENUE OF THE AMERICAS  
SUITE 3100  
NEW YORK, NY 10036

Domestic Representative - Not Found

Assignment 8 of 10

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 4688/0271

Pages: 11

Date Recorded: Dec. 28, 2011

Supporting Documents: [assignment-tm-4688-0271.pdf](#)

Assignor

Name: GRACEWAY PHARMACEUTICALS, LLC

Execution Date: Dec. 02, 2011

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

**Assignee**

Name: MEDICIS PHARMACEUTICAL CORPORATION

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

Address: 7720 NORTH DOBSON ROAD  
SCOTTSDALE, ARIZONA 85256

**Correspondent**

Correspondent Name: PATRICK J. CONCANNON

Correspondent Address: EDWARDS WILDMAN PALMER LLP  
F.D.R. STATION, P.O. BOX 130  
NEW YORK, NY 10150

**Domestic Representative - Not Found**

**Assignment 9 of 10**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 5012/0736 Pages: 23

Date Recorded: Apr. 24, 2013

Supporting Documents: [assignment-tm-5012-0736.pdf](#)

**Assignor**

Name: MEDICIS PHARMACEUTICAL CORPORATION Execution Date: Apr. 23, 2013

Legal Entity Type: CORPORATION State or Country Where Organized: DELAWARE

**Assignee**

Name: GOLDMAN SACHS LENDING PARTNERS LLC

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

Address: 200 WEST STREET  
NEW YORK, NEW YORK 10282

**Correspondent**

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

**Assignment 10 of 10**

Conveyance: NOTICE OF SUCCESSION OF AGENCY

Reel/Frame: 5439/0392 Pages: 50

Date Recorded: Jan. 09, 2015

Supporting Documents: [assignment-tm-5439-0392.pdf](#)

**Assignor**

Name: GOLDMAN SACHS LENDING PARTNERS, LLC Execution Date: Jan. 08, 2015

Legal Entity Type: LIMITED LIABILITY COMPANY State or Country Where Organized: DELAWARE

**Assignee**

Name: BARCLAYS BANK PLC, AS SUCCESSOR AGENT

Legal Entity Type: BANK State or Country Where Organized: UNITED KINGDOM

Address: 745 SEVENTH AVENUE  
NEW YORK, NEW YORK 10019

**Correspondent**

Correspondent Name: ELAINE CARRERA, LEGAL ASSISTANT

Correspondent Address: 80 PINE STREET  
C/O CAHILL GORDON & REINDEL LLP  
NEW YORK, NY 10005

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 23

Generated on: This page was generated by TSDR on 2015-07-02 16:28:22 EDT

Mark: NUAIR

# NUAIR

US Serial Number: 79050504

Application Filing Date: Jan. 09, 2008

US Registration Number: 3547148

Registration Date: Dec. 16, 2008

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Dec. 16, 2008

Publication Date: Sep. 30, 2008

## Mark Information

Mark Literal Elements: NUAIR

Standard Character Claim: No

Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Color(s) Claimed: Color is not claimed as a feature of the mark.

## Related Properties Information

International Registration Number: 0955000

International Registration Date: Jan. 09, 2008

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*. \* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 66(a)

For: Inhalers for medical purposes

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 66(a)

## Basis Information (Case Level)

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: Yes

Currently 66A: Yes

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Almirall, S.A.

Owner Address: Ronda General Mitre, 151  
E-08022 Barcelona  
SPAIN

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Holaira001589

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Upton Douglass **Docket Number:** LABA  
**Attorney Primary Email Address:** [sdouglass@fziz.com](mailto:sdouglass@fziz.com) **Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** Susan Upton Douglass  
 Fross Zelnick Lehrman & Zissu, P.C.  
 866 United Nations Plaza  
 New York, NEW YORK 10017  
 UNITED STATES

### Domestic Representative

**Domestic Representative Name:** Susan Upton Douglass **Phone:** (212) 813-5900  
**Fax:** (212) 813-5901  
**Domestic Representative e-mail:** [sdouglass@fziz.com](mailto:sdouglass@fziz.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Apr. 21, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Oct. 23, 2009	CHANGE OF OWNER RECEIVED FROM IB	
Mar. 31, 2009	FINAL DISPOSITION NOTICE SENT TO IB	
Mar. 31, 2009	FINAL DISPOSITION PROCESSED	74217
Mar. 17, 2009	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Dec. 16, 2008	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2008	PUBLISHED FOR OPPOSITION	
Sep. 10, 2008	NOTICE OF PUBLICATION	
Aug. 26, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	78145
Aug. 25, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 14, 2008	EXAMINER'S AMENDMENT ENTERED	78145
Aug. 13, 2008	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Aug. 13, 2008	ASSIGNED TO LIE	78145
Aug. 12, 2008	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Aug. 12, 2008	EXAMINERS AMENDMENT E-MAILED	6328
Aug. 12, 2008	EXAMINERS AMENDMENT -WRITTEN	74308
Aug. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Aug. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
May 03, 2008	REFUSAL PROCESSED BY IB	
Apr. 15, 2008	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Apr. 15, 2008	REFUSAL PROCESSED BY MPU	74217
Apr. 15, 2008	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Apr. 14, 2008	NON-FINAL ACTION WRITTEN	74308
Apr. 11, 2008	ASSIGNED TO EXAMINER	74308
Mar. 28, 2008	NEW APPLICATION ENTERED IN TRAM	
Mar. 27, 2008	LIMITATION OF GOODS/SERVICES FROM IB ENTERED	67445
Mar. 27, 2008	SN ASSIGNED FOR SECT 66A APPL FROM IB	

## International Registration Information (Section 66a)

**International Registration Number:** 0955000 **International Registration Date:** Jan. 09, 2008  
**Priority Claimed Flag:** Yes **Date of Section 67 Priority Claim:** Jul. 12, 2007

Intl. Registration Status: REQUEST FOR EXTENSION OF PROTECTION PROCESSED

Date of International Registration Status: Mar. 27, 2008

Notification of Designation Date: Mar. 27, 2008

Date of Automatic Protection: Sep. 27, 2009

International Registration Renewal Date: Jan. 09, 2018

First Refusal Flag: Yes

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Dec. 16, 2008

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 1

Registrant: Laboratorios Almirall, S.A.

### Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: 4083/0734

Pages: 2

Date Recorded: Oct. 23, 2009

Supporting Documents: [assignment-tm-4083-0734.pdf](#)

### Assignor

Name: LABORATORIOS ALMIRALL, S.A.

Execution Date: Aug. 11, 2009

Legal Entity Type: UNKNOWN

State or Country Where Organized: SPAIN

### Assignee

Name: ALMIRALL, S.A.

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

Address: RONDA GENERAL MITRE, 151  
E-08022 BARCELONA, SPAIN

### Correspondent

Correspondent Name: ALMIRALL, S.A.

Correspondent Address: RONDA GENERAL MITRE, 151  
E-08022 BARCELONA  
SPAIN

Domestic Representative - Not Found

# APPLICANT'S EXHIBIT 24



Owner Address: Ronda General Mitre, 151  
Barcelona 08022  
SPAIN

Legal Entity Type: CORPORATION

State or Country Where Organized: SPAIN

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Susan Upton Douglass  
Attorney Primary Email Address: [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
Docket Number: LABA 1406294  
Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: SUSAN UPTON DOUGLASS  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK, NEW YORK 10017-1822  
UNITED STATES  
Phone: 212-813-5900  
Fax: 212-813-5901  
Correspondent e-mail: [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
Correspondent e-mail Authorized: Yes

### Domestic Representative

Domestic Representative Name: Susan Upton Douglass  
Phone: 212-813-5900  
Fax: 212-813-5901  
Domestic Representative e-mail: [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)  
Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Jan. 20, 2015	REGISTERED-PRINCIPAL REGISTER	
Nov. 04, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Nov. 04, 2014	PUBLISHED FOR OPPOSITION	
Oct. 15, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 01, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Sep. 30, 2014	ASSIGNED TO LIE	69712
Sep. 17, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 13, 2014	NOTICE OF PSEUDO MARK E-MAILED	
Sep. 12, 2014	EXAMINER'S AMENDMENT ENTERED	88888
Sep. 12, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Sep. 12, 2014	EXAMINERS AMENDMENT -WRITTEN	90298
Sep. 12, 2014	ASSIGNED TO EXAMINER	90298
Sep. 12, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Sep. 05, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 20, 2015

# APPLICANT'S EXHIBIT 25

Generated on: This page was generated by TSDR on 2015-07-02 16:33:18 EDT

Mark: PILAIRO

# PILAIRO

**US Serial Number:** 85270798      **Application Filing Date:** Mar. 18, 2011  
**US Registration Number:** 4148736      **Registration Date:** May 29, 2012  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** May 29, 2012  
**Publication Date:** Dec. 06, 2011

## Mark Information

**Mark Literal Elements:** PILAIRO  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Foreign Information

**Priority Claimed:** Yes  
**Foreign Application Number:** 837291      **Foreign Application Filing Date:** Feb. 16, 2011  
**Foreign Registration Number:** 837291      **Foreign Registration Date:** Feb. 16, 2011  
**Foreign Application/Registration Country:** NEW ZEALAND      **Foreign Expiration Date:** Feb. 16, 2021

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

**For:** Respiratory apparatus for medical purposes; humidification apparatus for medical use; medical apparatus for the treatment of obstructive sleep apnea; breathing masks for use in treating obstructive sleep apnea; facial masks, oral masks, nasal masks, nasal cannula, mouthpieces, headgear, breathing tubes, nasal tubes, tubing connectors, tubes, nasal prongs, all being for medical purposes; parts and fittings for all the aforementioned goods

**International Class(es):** 010 - Primary Class      **U.S Class(es):** 026, 039, 044  
**Class Status:** ACTIVE  
**Basis:** 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> Yes	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> Yes	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Fisher & Paykel Healthcare Limited  
**Owner Address:** 15 Maurice Paykel Place, East Tamaki  
Auckland 2013  
NEW ZEALAND  
**Legal Entity Type:** LIMITED LIABILITY COMPANY      **State or Country Where:** NEW ZEALAND

Holaira001594

Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** J. Allison Strickland  
**Attorney Primary Email Address:** [Strickland-Docket@fzlj.com](mailto:Strickland-Docket@fzlj.com)

**Docket Number:** FPHL 1102491  
**Attorney Email Authorized:** No

### Correspondent

**Correspondent Name/Address:** J. ALLISON STRICKLAND  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK, NEW YORK 10017-1822  
UNITED STATES

**Correspondent e-mail:** [Strickland-Docket@fzlj.com](mailto:Strickland-Docket@fzlj.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Fross Zelnick Lehrman & Zissu, P.C.

## Prosecution History

Date	Description	Proceeding Number
May 29, 2012	REGISTERED-PRINCIPAL REGISTER	
Apr. 20, 2012	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Dec. 19, 2011	CHANGES/CORRECTIONS AFTER PUB APPROVAL ENTERED	65294
Dec. 19, 2011	EXTENSION OF TIME TO OPPOSE RECEIVED	
Dec. 08, 2011	ASSIGNED TO PETITION STAFF	65294
Dec. 07, 2011	TEAS POST PUBLICATION AMENDMENT RECEIVED	1111
Dec. 06, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 06, 2011	PUBLISHED FOR OPPOSITION	
Nov. 16, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Nov. 01, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70997
Nov. 01, 2011	ASSIGNED TO LIE	70997
Oct. 03, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 27, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 27, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 27, 2011	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Jun. 17, 2011	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Jun. 17, 2011	LETTER OF SUSPENSION E-MAILED	6332
Jun. 17, 2011	SUSPENSION LETTER WRITTEN	76433
Jun. 17, 2011	ASSIGNED TO EXAMINER	76433
Mar. 23, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 22, 2011	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** May 29, 2012

## Proceedings

### Summary

**Number of Proceedings:** 1

### Type of Proceeding: Extension of Time

**Proceeding Number:** [85270798](#)

**Filing Date:** Dec 19, 2011

**Status:** Terminated

**Status Date:** Apr 20, 2012

Holaira001595

**Interlocutory Attorney:****Defendant****Name:** Fisher & Paykel Healthcare Limited**Correspondent Address:** J. ALLISON STRICKLAND  
FROSS ZELNICK LEHRMAN & ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK NY , 10017-1822  
UNITED STATES**Associated marks**

Mark	Application Status	Serial Number	Registration Number
PILAIRO	Registered	<u>85270798</u>	<u>4148736</u>

**Potential Opposer(s)****Name:** Medtronic Xomed, Inc.**Correspondent Address:** Trademark Dept.  
Medtronic, Inc.  
710 Medtronic Parkway  
Minneapolis MN , 55432-5604  
UNITED STATES**Correspondent e-mail:** [trademark@medtronic.com](mailto:trademark@medtronic.com)**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Dec 19, 2011	
2	EXTENSION OF TIME GRANTED	Dec 19, 2011	

# APPLICANT'S EXHIBIT 26

Generated on: This page was generated by TSDR on 2015-07-02 16:35:11 EDT

Mark: PRESSAIR

# PRESSAIR

**US Serial Number:** 77756493      **Application Filing Date:** Jun. 10, 2009  
**US Registration Number:** 4298420      **Registration Date:** Mar. 05, 2013  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Mar. 05, 2013  
**Publication Date:** Oct. 26, 2010      **Notice of Allowance Date:** Dec. 21, 2010

## Mark Information

**Mark Literal Elements:** PRESSAIR  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Foreign Information

**Priority Claimed:** Yes  
**Foreign Application Number:** 2876136      **Foreign Application Filing Date:** May 18, 2009  
**Foreign Application/Registration Country:** SPAIN

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

**For:** Pharmaceutical preparations for the treatment of respiratory diseases \*, excluding preparations containing medical gases\*

**International Class(es):** 005 - Primary Class

**U.S Class(es):** 006, 018, 044, 046, 051, 052

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 30, 2012

**Use in Commerce:** Nov. 30, 2012

**For:** Inhalers [for medical purposes] \*for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases\*

**International Class(es):** 010 - Primary Class

**U.S Class(es):** 026, 039, 044

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Nov. 30, 2012

**Use in Commerce:** Nov. 30, 2012

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> No	<b>Currently ITU:</b> No	<b>Amended ITU:</b> Yes
<b>Filed 44D:</b> Yes	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** ASTRAZENECA AB

Holaira001597

Owner Address: VASTRA MALAREHAMNEN 9  
SODERTALJE SE 151 85  
SWEDEN

Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Wm. Charles Saunders

Attorney Primary Email Address: [trademarks@astrazeneca.com](mailto:trademarks@astrazeneca.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: Wm. Charles Saunders  
AstraZeneca Pharmaceuticals LP  
1800 Concord Pike  
FOP3-318  
Wilmington, DELAWARE 19850-5437  
UNITED STATES

Phone: (302) 885-4268

Fax: (302) 885-9717

Correspondent e-mail: [trademarks@astrazeneca.com](mailto:trademarks@astrazeneca.com) [chuck.saunders@astrazeneca.com](mailto:chuck.saunders@astrazeneca.com) [paula.wright@astrazeneca.com](mailto:paula.wright@astrazeneca.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative

Domestic Representative Name: Susan Upton Douglass

Phone: 212-813-5900

Fax: 212-813-5901

Domestic Representative e-mail: [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com)

Domestic Representative e-mail Authorized: Yes

## Prosecution History

Date	Description	Proceeding Number
Jun. 08, 2015	ATTORNEY REVOKED AND/OR APPOINTED	
Jun. 08, 2015	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 22, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Jun. 30, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	68973
Jun. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Jun. 24, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 05, 2013	REGISTERED-PRINCIPAL REGISTER	
Jan. 31, 2013	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Jan. 30, 2013	LAW OFFICE REGISTRATION REVIEW COMPLETED	70468
Jan. 29, 2013	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 28, 2013	STATEMENT OF USE PROCESSING COMPLETE	69302
Jan. 25, 2013	USE AMENDMENT FILED	69302
Jan. 25, 2013	TEAS STATEMENT OF USE RECEIVED	
Nov. 29, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Nov. 28, 2012	EXTENSION 4 GRANTED	69302
Nov. 26, 2012	EXTENSION 4 FILED	69302
Nov. 26, 2012	TEAS EXTENSION RECEIVED	
Jun. 08, 2012	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Jun. 07, 2012	EXTENSION 3 GRANTED	69302
May 31, 2012	EXTENSION 3 FILED	69302
May 31, 2012	TEAS EXTENSION RECEIVED	
Dec. 02, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Dec. 01, 2011	EXTENSION 2 GRANTED	69302
Nov. 21, 2011	EXTENSION 2 FILED	69302
Nov. 30, 2011	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302

Nov. 21, 2011	TEAS EXTENSION RECEIVED	
Apr. 29, 2011	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 27, 2011	EXTENSION 1 GRANTED	98765
Apr. 27, 2011	EXTENSION 1 FILED	98765
Apr. 27, 2011	TEAS EXTENSION RECEIVED	
Dec. 21, 2010	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Oct. 26, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Oct. 26, 2010	PUBLISHED FOR OPPOSITION	
Sep. 20, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	70468
Sep. 17, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Sep. 15, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 15, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 15, 2010	TEAS RESPONSE TO SUSPENSION INQUIRY RECEIVED	
Mar. 29, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 29, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 19, 2010	NOTIFICATION OF INQUIRY AS TO SUSPENSION E-MAILED	
Mar. 19, 2010	INQUIRY TO SUSPENSION E-MAILED	
Mar. 19, 2010	SUSPENSION INQUIRY WRITTEN	81848
Feb. 26, 2010	LIE CHECKED SUSP - TO ATTY FOR ACTION	70468
Feb. 26, 2010	ASSIGNED TO LIE	70468
Jan. 13, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Aug. 26, 2009	NOTIFICATION OF LETTER OF SUSPENSION E-MAILED	6332
Aug. 26, 2009	LETTER OF SUSPENSION E-MAILED	6332
Aug. 26, 2009	SUSPENSION LETTER WRITTEN	81848
Aug. 25, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Aug. 24, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Aug. 24, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jul. 16, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION E-MAILED	6325
Jul. 16, 2009	NON-FINAL ACTION WRITTEN	81848
Jul. 15, 2009	ASSIGNED TO EXAMINER	81848
Jun. 16, 2009	NOTICE OF PSEUDO MARK MAILED	
Jun. 15, 2009	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 13, 2009	NEW APPLICATION ENTERED IN TRAM	

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### Maintenance Filings or Post Registration Information

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**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** In the statement, line 4, after diseases,excluding preparations containing medical gases is inserted. In the statement, line 7, for medical purposes is deleted, and for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases inserted.

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### TM Staff and Location Information

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TM Staff Information - None

File Location

**Current Location:** POST REGISTRATION

**Date in Location:** Jun. 30, 2014

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### Assignment Abstract Of Title Information

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**Summary**

**Total Assignments:** 3

**Registrant:** ALMIRALL, S.A.

**Assignment 1 of 3**

**Conveyance:** CHANGE OF NAME

**Holaira001599**

Reel/Frame: 4129/0547

Pages: 7

Date Recorded: Jan. 12, 2010

Supporting Documents: [assignment-tm-4129-0547.pdf](#)

**Assignor**

Name: LABORATORIOS ALMIRALL, S.A.

Execution Date: Jun. 06, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: SPAIN

DBA, AKA, TA, Formerly: FORMERLY ALMIRALL-PRODESFARMA, S.A.

**Assignee**

Name: ALMIRALL, S.A.

Legal Entity Type: CORPORATION

State or Country Where Organized: SPAIN

Address: RONDA DEL MITRE, 151  
08022 BARCELONA, SPAIN

**Correspondent**

Correspondent Name: LAWRENCE E. ABELMAN

Correspondent Address: 666 THIRD AVENUE  
10TH FLOOR  
NEW YORK, NY 10017

**Domestic Representative**

Domestic Representative Name: LAWRENCE E. ABELMAN

Domestic Representative Address: 666 THIRD AVENUE  
10TH FLOOR  
NEW YORK, NY 10017

**Assignment 2 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0280

Pages: 23

Date Recorded: Apr. 17, 2015

Supporting Documents: [assignment-tm-5499-0280.pdf](#)

**Assignor**

Name: ALMIRALL, S.A.

Execution Date: Mar. 31, 2014

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: ASTRAZENECA UK LIMITED

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: GREAT BRITAIN

Address: 2 KINGDOM STREET  
LONDON, ENGLAND W2 6BD

**Correspondent**

Correspondent Name: CPA GLOBAL LTD

Correspondent Address: LIBERATION HOUSE  
CASTLE STREET, JE1 1BL JERSEY

**Domestic Representative - Not Found**

**Assignment 3 of 3**

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: 5499/0318

Pages: 4

Date Recorded: Apr. 17, 2015

Supporting Documents: [assignment-tm-5499-0318.pdf](#)

**Assignor**

Name: ASTRAZENECA UK LIMITED

Execution Date: Mar. 31, 2014

Legal Entity Type: LIMITED COMPANY

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: ASTRAZENECA AB

Legal Entity Type: STOCK COMPANY

State or Country Where Organized: SWEDEN

Address: VASTRA MALAREHAMNEN 9  
SODERTALJE, SWEDEN SE 151 85

**Correspondent**

---

**Correspondent Name:** CPA GLOBAL LTD

**Correspondent Address:** LIBERATION HOUSE  
CASTLE STREET, JE1 1BL JERSEY

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 27

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Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 85866035  
US Registration Number: 4424929  
Register: Principal  
Mark Type: Trademark  
Amended to Principal Register: Yes  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Oct. 29, 2013  
Publication Date: Aug. 13, 2013  
Application Filing Date: Mar. 04, 2013  
Registration Date: Oct. 29, 2013  
Date Amended to Current Register: Jun. 14, 2013

## Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a black oval with three curved bands in the color white, centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "ALBUTEROL SULFATE" in parenthesis in block letters in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.  
Color(s) Claimed: Color is not claimed as a feature of the mark.  
Disclaimer: "HFA (ALBUTEROL SULFATE) INHALATION AEROSOL"  
Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## Related Properties Information

Claimed Ownership of US Registrations: 3166297

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Inhalers filled with albuterol sulfate for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Teva Respiratory LLC  
Owner Address: Legal Affairs - Trademark Dept  
425 Privet Road

Holaira001708

Horsham, PENNSYLVANIA 19044  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: FLORIDA

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: HERSCHEL PEREL  
TEVA RESPIRATORY LLC  
425 PRIVET RD  
HORSHAM, PENNSYLVANIA 19044-1220  
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-6499

Correspondent e-mail: [herschel.perel@tevapharm.com](mailto:herschel.perel@tevapharm.com) [darlene.carter-peyton@tevapharm.com](mailto:darlene.carter-peyton@tevapharm.com)

Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 08, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 08, 2013	ASSIGNED TO LIE	77312
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
Mar. 12, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 09, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None  
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 29, 2013

Holaira001709

# APPLICANT'S EXHIBIT 28

Generated on: This page was generated by TSDR on 2015-07-03 14:59:53 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 85866144  
US Registration Number: 4424933  
Register: Principal  
Mark Type: Trademark  
Amended to Principal Register: Yes  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Oct. 29, 2013  
Publication Date: Aug. 13, 2013  
Application Filing Date: Mar. 04, 2013  
Registration Date: Oct. 29, 2013  
Date Amended to Current Register: Jun. 14, 2013

## Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a red oval with white curved lines centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "albuterol sulfate" in parenthesis in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.  
Color Drawing: Yes  
Color(s) Claimed: The color(s) black, white and red is/are claimed as a feature of the mark.  
Disclaimer: "HFA (ALBUTEROL SULFATE) INHALATION AEROSOL"  
Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## Related Properties Information

Claimed Ownership of US Registrations: 3166297

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Inhalers filled with albuterol sulfate for the treatment of respiratory diseases

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Dec. 03, 2012

Use in Commerce: Dec. 03, 2012

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Holaira001710

**Owner Name:** Teva Respiratory LLC  
**Owner Address:** Legal Affairs - Trademark Dept  
425 Privet Road  
Horsham, PENNSYLVANIA 19044  
UNITED STATES

**Legal Entity Type:** LIMITED LIABILITY COMPANY

**State or Country Where Organized:** PENNSYLVANIA

## Attorney/Correspondence Information

### Attorney of Record - None

#### Correspondent

**Correspondent Name/Address:** TEVA RESPIRATORY LLC  
TEVA RESPIRATORY LLC  
425 PRIVET RD  
HORSHAM, PENNSYLVANIA 19044-1220  
UNITED STATES

**Phone:** 215-293-6406

**Fax:** 215-293-6499

**Correspondent e-mail:** [herschel.perel@tevapharm.com](mailto:herschel.perel@tevapharm.com) [darlene.carter-peyton@tevapharm.com](mailto:darlene.carter-peyton@tevapharm.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 08, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jul. 08, 2013	ASSIGNED TO LIE	77312
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
Mar. 09, 2013	NOTICE OF DESIGN SEARCH CODE E-MAILED	
Mar. 08, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Mar. 07, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 29, 2013

# APPLICANT'S EXHIBIT 29



425 Privet Road  
Horsham, PENNSYLVANIA 19044  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

## Attorney/Correspondence Information

### Attorney of Record - None Correspondent

**Correspondent Name/Address:** HERSCHEL PEREL  
TEVA RESPIRATORY LLC  
425 PRIVET RD  
Legal Affairs - Trademark Dept  
HORSHAM, PENNSYLVANIA 19044-1220  
UNITED STATES

**Phone:** 215-293-6406

**Fax:** 215-293-6499

**Correspondent e-mail:** [herschel.perel@tevapharm.com](mailto:herschel.perel@tevapharm.com) [darlene.carter-peyton@tevapharm.com](mailto:darlene.carter-peyton@tevapharm.com)

**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Oct. 29, 2013	REGISTERED-PRINCIPAL REGISTER	
Aug. 13, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 13, 2013	PUBLISHED FOR OPPOSITION	
Jul. 24, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 10, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Jul. 08, 2013	ASSIGNED TO LIE	70633
Jun. 17, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 14, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Jun. 14, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Jun. 14, 2013	EXAMINERS AMENDMENT -WRITTEN	76507
Jun. 12, 2013	ASSIGNED TO EXAMINER	76507
May 04, 2013	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
May 03, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Apr. 30, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Oct. 29, 2013

# APPLICANT'S EXHIBIT 30

Generated on: This page was generated by TSDR on 2015-07-03 15:02:04 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE INHALATION AEROSOL)



US Serial Number: 86443830  
US Registration Number: 4720391  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Apr. 14, 2015  
Publication Date: Jan. 27, 2015

Application Filing Date: Nov. 04, 2014  
Registration Date: Apr. 14, 2015

## Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE INHALATION AEROSOL)  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Description of Mark: The mark consists of a red oval with white curved lines centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "albuterol sulfate" in parenthesis in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.  
Color Drawing: Yes  
Color(s) Claimed: The color(s) black, white and red is/are claimed as a feature of the mark.  
Disclaimer: "HFA," "ALBUTEROL SULFATE" AND "INHALATION AEROSOL"  
Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## Related Properties Information

Claimed Ownership of US Registrations: 3166297, 4424929 and others

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: Inhalers for therapeutic use sold empty

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 31, 2006

Use in Commerce: Jul. 31, 2006

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Teva Respiratory, LLC  
Owner Address: 41 Moores Road

Holaira001714

Frazer, PENNSYLVANIA 19355  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where Organized: PENNSYLVANIA

## Attorney/Correspondence Information

Attorney of Record - None  
Correspondent

Correspondent Name/Address: HERSCHEL PEREL  
TEVA PHARMACEUTICALS USA, INC.  
425 PRIVET RD  
HORSHAM, PENNSYLVANIA 19044-1220  
UNITED STATES

Phone: 215-293-6406

Fax: 215-293-3697

Correspondent e-mail: [herschel.perel@tevapharm.com](mailto:herschel.perel@tevapharm.com)

Correspondent e-mail Yes  
Authorized:

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2015	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 27, 2015	PUBLISHED FOR OPPOSITION	
Jan. 07, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 19, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2014	EXAMINER'S AMENDMENT ENTERED	70138
Dec. 16, 2014	ASSIGNED TO LIE	70138
Dec. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	76725
Dec. 10, 2014	ASSIGNED TO EXAMINER	76725
Nov. 15, 2014	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None  
File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Apr. 14, 2015

# APPLICANT'S EXHIBIT 31

Generated on: This page was generated by TSDR on 2015-07-03 15:08:16 EDT

Mark: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL



US Serial Number: 86443835

Application Filing Date: Nov. 04, 2014

US Registration Number: 4720392

Registration Date: Apr. 14, 2015

Register: Principal

Mark Type: Trademark

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Apr. 14, 2015

Publication Date: Jan. 27, 2015

## Mark Information

Mark Literal Elements: PROAIR HFA (ALBUTEROL SULFATE) INHALATION AEROSOL

Standard Character Claim: No

Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

Description of Mark: The mark consists of a black oval with three curved bands in the color white, centered over the words "PROAIR HFA" in stylized letters in the color black, centered over the words "ALBUTEROL SULFATE" in parenthesis in block letters in the color black, centered over the words "Inhalation Aerosol" in block letters in the color black.

Color(s) Claimed: Color is not claimed as a feature of the mark.

Disclaimer: "HFA," "ALBUTEROL SULFATE" AND "INHALATION AEROSOL"

Design Search Code(s): 26.03.21 - Ovals that are completely or partially shaded  
26.17.09 - Lines, curved; Curved line(s), band(s) or bar(s); Bands, curved; Bars, curved

## Related Properties Information

Claimed Ownership of US Registrations: 3166297, 4424929 and others

Registrations:

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

For: Inhalers for therapeutic use sold empty

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul. 31, 2006

Use in Commerce: Jul. 31, 2006

## Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

## Current Owner(s) Information

Owner Name: Teva Respiratory, LLC

Owner Address: 41 Moores Road  
Frazer, PENNSYLVANIA 19355  
UNITED STATES

Legal Entity Type: LIMITED LIABILITY COMPANY

State or Country Where: PENNSYLVANIA

Holaira001716

Organized:

## Attorney/Correspondence Information

Attorney of Record - None

Correspondent

**Correspondent Name/Address:** HERSCHEL PEREL  
TEVA PHARMACEUTICALS USA, INC.  
425 PRIVET RD  
HORSHAM, PENNSYLVANIA 19044-1220  
UNITED STATES

**Phone:** 215-293-6406

**Fax:** 215-293-3697

**Correspondent e-mail:** [herschel.perel@tevapharm.com](mailto:herschel.perel@tevapharm.com)

**Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Apr. 14, 2015	REGISTERED-PRINCIPAL REGISTER	
Jan. 27, 2015	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jan. 27, 2015	PUBLISHED FOR OPPOSITION	
Jan. 07, 2015	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Dec. 19, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Dec. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Dec. 16, 2014	EXAMINER'S AMENDMENT ENTERED	70138
Dec. 16, 2014	ASSIGNED TO LIE	70138
Dec. 16, 2014	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT E-MAILED	6328
Dec. 16, 2014	EXAMINERS AMENDMENT -WRITTEN	76725
Dec. 10, 2014	ASSIGNED TO EXAMINER	76725
Nov. 15, 2014	NOTICE OF DESIGN SEARCH CODE AND PSEUDO MARK E-MAILED	
Nov. 14, 2014	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Nov. 07, 2014	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

TM Staff Information - None

File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 14, 2015

Holaira001717

# APPLICANT'S EXHIBIT 32

Generated on: This page was generated by TSDR on 2015-07-02 16:42:33 EDT

Mark: PULMONAIRE

US Serial Number: 72282803      Application Filing Date: Oct. 18, 1967  
US Registration Number: 874778      Registration Date: Aug. 12, 1969  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Sep. 08, 2009

---

## Mark Information

---

Mark Literal Elements: PULMONAIRE  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

---

## Related Properties Information

---

Claimed Ownership of US 0738721  
Registrations:

---

## Goods and Services

---

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: SPIROMETERS FOR USE IN DIAGNOSING PULMONARY DISORDERS

International Class(es): 010

U.S Class(es): 044 - Primary Class

Class Status: ACTIVE

Basis: 1(a)

First Use: Feb. 11, 1964

Use in Commerce: Feb. 11, 1964

---

## Basis Information (Case Level)

---

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

---

## Current Owner(s) Information

---

Owner Name: JONES MEDICAL INSTRUMENT COMPANY  
Owner Address: 200 WINDSOR DRIVE  
OAK BROOK, ILLINOIS 60521  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: ILLINOIS

---

## Attorney/Correspondence Information

---

Holaira001602

**Attorney of Record**

**Attorney Name:** Jill Anderfuren  
**Attorney Primary Email Address:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)

**Docket Number:** 30065/60001  
**Attorney Email Authorized:** Yes

**Correspondent**

**Correspondent Name/Address:** Jill Anderfuren  
 Marshall, Gerstein & Borun LLP  
 233 South Wacker Drive  
 6300 Sears Tower  
 Chicago, ILLINOIS 60606-6357  
 UNITED STATES

**Phone:** 3124746300

**Fax:** 3124740448

**Correspondent e-mail:** [doCKET@marshallip.com](mailto:doCKET@marshallip.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
May 19, 2010	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Sep. 08, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	70619
Sep. 08, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Aug. 17, 2009	ASSIGNED TO PARALEGAL	70619
Aug. 13, 2009	TEAS SECTION 8 & 9 RECEIVED	
Jun. 22, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Feb. 19, 2009	ATTORNEY REVOKED AND/OR APPOINTED	
Feb. 19, 2009	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 07, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Nov. 14, 2008	CASE FILE IN TICRS	
Aug. 10, 2006	REVIEW OF CORRESPONDENCE COMPLETE	77315
Jul. 11, 2002	PAPER RECEIVED	
Aug. 12, 1989	REGISTERED AND RENEWED (FIRST RENEWAL - 20 YRS)	
Mar. 31, 1989	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	

**Maintenance Filings or Post Registration Information**

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Date:** Aug. 12, 2009

**TM Staff and Location Information****TM Staff Information - None****File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Sep. 08, 2009

**Assignment Abstract Of Title Information****Summary**

**Total Assignments:** 10

**Registrant:** JONES, WILLIAM C.

**Assignment 1 of 10**

**Conveyance:** ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

**Reel/Frame:** [0294/0572](#)

**Pages:** 1

**Date Recorded:** Sep. 17, 1976

**Supporting Documents:** No Supporting Documents Available

**Assignor**

**Name:** [JONES, WILLIAM C.](#)

**Execution Date:** Sep. 10, 1976

Legal Entity Type: UNKNOWN

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: JONES MEDICAL INSTRUMENT COMPANY

Legal Entity Type: CORPORATION

State or Country Where Organized: ILLINOIS

Address: 200 WINDSOR DRIVE  
OAK BROOK, ILLINOIS 60521

**Correspondent**

Correspondent Name: DAWSON, TILTON, FALLON & LUNGMUS

Correspondent Address: 209 S. LA SALLE STREET  
209 S. LA SALLE STREET  
CHICAGO, IL 60604

**Domestic Representative - Not Found**

**Assignment 2 of 10**

Conveyance: SECURITY INTEREST

Reel/Frame: 1044/0143

Pages: 9

Date Recorded: Oct. 12, 1993

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: JONES MEDICAL INDUSTRIES, INC.

Execution Date: Jul. 07, 1993

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: MARK TWIAN BANK

Legal Entity Type: A MISSOURI BANKING CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: 9321 OLIVE BOULEVARD  
ST. LOUIS, MO 63132-3220

**Correspondent**

Correspondent Name: KATHRYN J. GIDDINGS, ESQ.

Correspondent Address: THE STOLAR PARTNERSHIP  
911 WASHINGTON AVENUE  
ST. LOUIS, MO 63101

**Domestic Representative - Not Found**

**Assignment 3 of 10**

Conveyance: RELEASE

Reel/Frame: 1660/0196

Pages: 6

Date Recorded: Nov. 26, 1997

Supporting Documents: No Supporting Documents Available

**Assignor**

Name: JONES MEDICAL INDUSTRIES, INC.

Execution Date: Nov. 24, 1997

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: MERCANTILE BANK NATIONAL ASSOCIATION FKA MARK TWAIN BANK

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

Address: TRAM 71-9D  
9321 OLIVE BLVD.  
ST. LOUIS, MISSOURI 63132

**Correspondent**

Correspondent Name: MERCANTILE BANK NATIONAL ASSOCIATION

Correspondent Address: JANET M. SCHAPER  
9321 OLIVE BLVD.  
TRAM 71-9D  
ST. LOUIS, MO 63132-3220

**Domestic Representative - Not Found**

**Assignment 4 of 10**

Conveyance: CORRECTIVE ASSIGNMENT TO CORRECT ASSIGNOR AND ASSIGNEE'S NAME AN ASSIGNMENT WAS PREVIOUSLY RECORDED ON REEL 1660, FRAME 0196.

Reel/Frame: 1736/0904

Pages: 12

Date Recorded: May 22, 1998

Supporting Documents: [assignment-tm-1736-0904.pdf](#)

**Assignor**

Name: MERCANTILE BANK NAT'L ASSOC.

Execution Date: May 15, 1998

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

DBA, AKA, TA, Formerly: FORMERLY KNOWN AS MARK TWAIN BANK

**Assignee**

Name: JONES MEDICAL INDUSTRIES INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 1945 CRAIG ROAD  
ST. LOUIS, MISSOURI 63146

**Correspondent**

Correspondent Name: GREENSFELDER, HEMKER & GALE, P.C.

Correspondent Address: HARVEY L. YUSMAN/ED CHOD  
10 SOUTH BROADWAY, SUITE 2000  
ST. LOUIS, MISSOURI 63102

**Domestic Representative - Not Found**

**Assignment 5 of 10**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 2592/0382

Pages: 58

Date Recorded: Oct. 02, 2002

Supporting Documents: [assignment-tm-2592-0382.pdf](#)

**Assignor**

Name: JONES PHARMA INCORPORATED

Execution Date: Apr. 23, 2002

Legal Entity Type: CORPORATION

State or Country Where Organized: No Place Where Organized Found

**Assignee**

Name: CREDIT SUISSE FIRST BOSTON, AS COLLATERAL AGENT

Legal Entity Type: CREDIT SUISSE FIRST BOSTON, AS COLLATERAL AGENT

State or Country Where Organized: No Place Where Organized Found

Address: 11 MADISON AVENUE  
NEW YORK, NEW YORK 10010

**Correspondent**

Correspondent Name: FEDERAL RESEARCH CORPORATION

Correspondent Address: PENELOPE AGODOA  
1301 15TH STREET NW  
SUITE 920  
WASHINGTON DC 20005

**Domestic Representative - Not Found**

**Assignment 6 of 10**

Conveyance: SECURITY AGREEMENT

Reel/Frame: 3911/0696

Pages: 11

Date Recorded: Dec. 30, 2008

Supporting Documents: [assignment-tm-3911-0696.pdf](#)

**Assignor**

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.

Execution Date: Dec. 29, 2008

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

**Assignee**

Name: CREDIT SUISSE, AS AGENT

Legal Entity Type: BANK

State or Country Where Organized: No Place Where Organized Found

Address: 11 MADISON AVENUE  
NEW YORK, NEW YORK 10010

**Correspondent**

Correspondent Name: IP RESEARCH PLUS, INC.

Correspondent Address: 21 TADCASTER CIRCLE  
ATTN: PENELOPE J.A. AGODOA  
WALDORF, MD 20602

Domestic Representative - Not Found

Assignment 7 of 10

Conveyance: RELEASE OF SECURITY INTEREST

Reel/Frame: 4204/0021

Pages: 7

Date Recorded: May 11, 2010

Supporting Documents: [assignment-tm-4204-0021.pdf](#)

Assignor

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.

Execution Date: May 11, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: CREDIT SUISSE AG

Legal Entity Type: BANK

State or Country Where Organized: SWITZERLAND

Address: 11 MADISON AVENUE  
AS ADMINISTRATIVE AGENT  
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: ELSPETH CALLAHAN

Correspondent Address: 1100 G ST NW SUITE 420  
NATIONAL CORPORATE RESEARCH  
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 8 of 10

Conveyance: SECURITY AGREEMENT

Reel/Frame: 4205/0312

Pages: 9

Date Recorded: May 13, 2010

Supporting Documents: [assignment-tm-4205-0312.pdf](#)

Assignor

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.

Execution Date: May 11, 2010

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Assignee

Name: CREDIT SUISSE AG

Legal Entity Type: BANK

State or Country Where Organized: SWITZERLAND

Address: AS ADMINISTRATIVE AGENT  
11 MADISON AVENUE  
NEW YORK, NEW YORK 10010

Correspondent

Correspondent Name: ELSPETH CALLAHAN

Correspondent Address: NATIONAL CORPORATE RESEARCH  
1100 G STREET, N.W. SUITE 420  
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 9 of 10

Conveyance: RELEASE BY SECURED PARTY

Reel/Frame: 4465/0696

Pages: 7

Date Recorded: Feb. 02, 2011

Supporting Documents: [assignment-tm-4465-0696.pdf](#)

Assignor

Name: CREDIT SUISSE AG

Execution Date: Jan. 31, 2011

Legal Entity Type: BANK

State or Country Where Organized: SWITZERLAND

Assignee

Name: KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC.

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

Address: 4000 CENTRE GREEN WAY

CARY, NORTH CAROLINA 27513

**Correspondent**

**Correspondent Name:** KATHLEEN T. GALLAGHER-DUFF, ESQ.

**Correspondent Address:** 1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

**Assignment 10 of 10**

**Conveyance:** RELEASE BY SECURED PARTY

**Reel/Frame:** 4465/0703

**Pages:** 5

**Date Recorded:** Feb. 02, 2011

**Supporting Documents:** [assignment-tm-4465-0703.pdf](#)

**Assignor**

**Name:** CREDIT SUISSE AG AS SUCCESSOR TO  
CREDIT SUISSE FIRST BOSTON

**Execution Date:** Jan. 31, 2011

**Legal Entity Type:** BANK

**State or Country Where  
Organized:** SWITZERLAND

**Assignee**

**Name:** KING PHARMACEUTICALS RESEARCH AND DEVELOPMENT, INC. AS SUCCESSOR TO JONES PHARMA INCORPORATED

**Legal Entity Type:** CORPORATION

**State or Country Where  
Organized:** DELAWARE

**Address:** 4000 CENTRE GREEN WAY  
CARY, NORTH CAROLINA 27513

**Correspondent**

**Correspondent Name:** KATHLEEN T. GALLAGHER-DUFF, ESQ.

**Correspondent Address:** 1201 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 33



Attorney Name: Gabrielle A. Holley

Docket Number: 1356.TM2649U

Attorney Primary Email [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)  
Address:

Attorney Email Yes  
Authorized:

#### Correspondent

Correspondent Name/Address: GABRIELLE A. HOLLEY  
HOLLEY & MENKER, P.A.  
PO BOX 96  
SOLANA BEACH, CALIFORNIA 92075-0096  
UNITED STATES

Phone: 858 353 9285

Fax: 858 876 1604

Correspondent e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com) [gholley@holleymenker.com](mailto:gholley@holleymenker.com) [gabrielleholley@gmail.com](mailto:gabrielleholley@gmail.com)

Correspondent e-mail Yes  
Authorized:

#### Domestic Representative

Domestic Representative Name: Gabrielle A. Holley

Phone: 858 353 9285

Fax: 858 876 1604

Domestic Representative e-mail: [westdocket@holleymenker.com](mailto:westdocket@holleymenker.com)

Domestic Representative e-mail Yes  
Authorized:

## Prosecution History

Date	Description	Proceeding Number
May 13, 2014	REGISTERED-PRINCIPAL REGISTER	
Apr. 09, 2014	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 08, 2014	LAW OFFICE REGISTRATION REVIEW COMPLETED	77312
Apr. 08, 2014	NOTICE OF APPROVAL OF EXTENSION REQUEST E-MAILED	
Apr. 07, 2014	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 07, 2014	STATEMENT OF USE PROCESSING COMPLETE	61813
Feb. 28, 2014	USE AMENDMENT FILED	61813
Apr. 07, 2014	EXTENSION 1 GRANTED	61813
Mar. 10, 2014	EXTENSION 1 FILED	61813
Apr. 07, 2014	CASE ASSIGNED TO INTENT TO USE PARALEGAL	61813
Mar. 10, 2014	TEAS EXTENSION RECEIVED	
Feb. 28, 2014	TEAS STATEMENT OF USE RECEIVED	
Sep. 10, 2013	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 13, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	77312
Jun. 06, 2013	ASSIGNED TO LIE	77312
May 21, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 21, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 21, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 21, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION WRITTEN	81092
Mar. 14, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2013	NON-FINAL ACTION WRITTEN	81092
Mar. 12, 2013	ASSIGNED TO EXAMINER	81092
Jan. 17, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 10, 2013	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

Holaira001609

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**TM Staff Information - None**  
**File Location**

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Apr. 08, 2014

# APPLICANT'S EXHIBIT 34



Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** Christopher Bolinger  
Merck  
126 E. Lincoln Avenue  
Rahway, NEW JERSEY 07065  
UNITED STATES

**Phone:** 732-594-0922

**Fax:** 732-594-0922

**Correspondent e-mail:** [TrademarkUS@merck.com](mailto:TrademarkUS@merck.com) [christopher.bolinger@merck.com](mailto:christopher.bolinger@merck.com)  
[lynn.brumfield@merck.com](mailto:lynn.brumfield@merck.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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## Prosecution History

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Date	Description	Proceeding Number
Mar. 15, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Mar. 15, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jun. 13, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 30, 2012	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 06, 2010	REVIEW OF CORRESPONDENCE COMPLETE	76293
Apr. 29, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76293
Jan. 11, 2010	PAPER RECEIVED	
Dec. 09, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 02, 2009	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Dec. 14, 2006	CASE FILE IN TICRS	
Jul. 31, 2006	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	61619
Jul. 31, 2006	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jun. 29, 2006	ASSIGNED TO PARALEGAL	61619
Apr. 07, 2006	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Apr. 07, 2006	TEAS SECTION 8 & 9 RECEIVED	
Sep. 05, 2002	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Jul. 26, 2002	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Jul. 26, 2002	PAPER RECEIVED	
Mar. 25, 1997	REGISTERED-PRINCIPAL REGISTER	
Jan. 18, 1997	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jan. 17, 1997	ASSIGNED TO EXAMINER	67443
Jan. 14, 1997	STATEMENT OF USE PROCESSING COMPLETE	
Jan. 14, 1997	EXTENSION 2 GRANTED	
Aug. 13, 1996	USE AMENDMENT FILED	
Aug. 13, 1996	EXTENSION 2 FILED	
Aug. 05, 1996	EXTENSION 1 GRANTED	
May 09, 1996	EXTENSION 1 FILED	
Dec. 05, 1995	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Sep. 12, 1995	PUBLISHED FOR OPPOSITION	
Aug. 11, 1995	NOTICE OF PUBLICATION	
Mar. 20, 1995	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 11, 1995	ASSIGNED TO EXAMINER	67443

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

Holaira001637

Renewal Date: Mar. 25, 2007

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: SCANNING ON DEMAND

Date in Location: Dec. 14, 2006

## Assignment Abstract Of Title Information

### Summary

Total Assignments: 3

Registrant: MERCK & CO., Inc.

#### Assignment 1 of 3

Conveyance: CHANGE OF NAME EFFECTIVE NOVEMBER 3, 2009

Reel/Frame: 4102/0212

Pages: 14

Date Recorded: Nov. 24, 2009

Supporting Documents: assignment-tm-4102-0212.pdf

#### Assignor

Name: MERCK & CO., INC.

Execution Date: Nov. 02, 2009

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

#### Assignee

Name: MERCK SHARP & DOHME CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Address: ONE MERCK DRIVE  
WHITEHOUSE STATION, NEW JERSEY 08889-0100

#### Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: KING & SPALDING LLP  
1185 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

#### Domestic Representative - Not Found

#### Assignment 2 of 3

Conveyance: MERGER EFFECTIVE 05/01/2012

Reel/Frame: 4785/0051

Pages: 10

Date Recorded: May 22, 2012

Supporting Documents: assignment-tm-4785-0051.pdf

#### Assignor

Name: MERCK SHARP & DOHME CORP.

Execution Date: Apr. 26, 2012

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

#### Assignee

Name: SCHERING CORPORATION

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Address: 2000 GALLOPING HILL ROAD  
KENILWORTH, NEW JERSEY 07033

#### Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

#### Domestic Representative - Not Found

#### Assignment 3 of 3

Conveyance: CHANGE OF NAME

Reel/Frame: 4793/0178

Pages: 12

Date Recorded: Jun. 04, 2012

Supporting Documents: assignment-tm-4793-0178.pdf

#### Assignor

Name: SCHERING CORPORATION

Execution Date: May 02, 2012

Holaira001638

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Assignee

Name: MERCK SHARP & DOHME CORP.

Legal Entity Type: CORPORATION

State or Country Where Organized: NEW JERSEY

Address: ONE MERCK DRIVE  
WHITEHOUSE STATION, NEW JERSEY 08889-0100

Correspondent

Correspondent Name: CLARK W. LACKERT

Correspondent Address: DICKSTEIN SHAPIRO LLP  
1633 BROADWAY  
NEW YORK, NY 10019-6708

Domestic Representative - Not Found

## Proceedings

### Summary

Number of Proceedings: 10

#### Type of Proceeding: Opposition

Proceeding Number: 91216964

Filing Date: Jun 19, 2014

Status: Terminated

Status Date: Oct 01, 2014

Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: RaGhala Corporation

Correspondent Address: MICHAEL G ATKINS  
ATKINS INTELLECTUAL PROPERTY PLLC  
93 S JACKSON ST #18483  
SEATTLE WA , 98104-2818  
UNITED STATES

Correspondent e-mail: [mike@atkinsip.com](mailto:mike@atkinsip.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULARITY - N - DESIGN	Abandoned - After Inter-Partes Decision	<u>86189368</u>	

#### Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: ANITA B POLOTT  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVE NW, ATTN TMSU  
WASHINGTON DC , 20004  
UNITED STATES

Correspondent e-mail: [apolott@morganlewis.com](mailto:apolott@morganlewis.com) , [zkocharyan@morganlewis.com](mailto:zkocharyan@morganlewis.com) , [chowell@morganlewis.com](mailto:chowell@morganlewis.com) , [trademarks@morganlewis.com](mailto:trademarks@morganlewis.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jun 19, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 19, 2014	Jul 29, 2014
3	PENDING, INSTITUTED	Jun 19, 2014	
4	NOTICE OF DEFAULT	Aug 19, 2014	
5	BD DECISION: SUSTAINED	Oct 01, 2014	
6	TERMINATED	Oct 01, 2014	

#### Type of Proceeding: Cancellation

Proceeding Number: 92057744

Filing Date: Aug 22, 2013

Status: Terminated

Status Date: Feb 10, 2014

Interlocutory Attorney: BENJAMIN U OKEKE

#### Defendant

Name: Prima-Derm SL

Correspondent Address: PRIMA-DERM SL  
CÓRCEGA 301-304, PRINCIPAL 1A, E-08008  
BARCELONA SPAIN

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULADERM	Cancellation Terminated - See TTAB Records	<u>79062494</u>	<u>3705577</u>

Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: JORDANA S RUBEL  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVE NW , ATTN TMSU  
WASHINGTON DC , 20004  
UNITED STATES

Correspondent e-mail: [apolott@morganlewis.com](mailto:apolott@morganlewis.com) , [jrubel@morganlewis.com](mailto:jrubel@morganlewis.com) , [chowell@morganlewis.com](mailto:chowell@morganlewis.com) , [trademarks@morganlewis.com](mailto:trademarks@morganlewis.com) , [zkocharyan@morganlewis.com](mailto:zkocharyan@morganlewis.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Aug 22, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Aug 26, 2013	Oct 05, 2013
3	PENDING, INSTITUTED	Aug 26, 2013	
4	NOTICE OF DEFAULT	Oct 22, 2013	
5	D UNDELIVERABLE MAIL	Oct 31, 2013	
6	SUSPENDED	Nov 13, 2013	
7	SERVICE BY PUBLICATION	Dec 10, 2013	
8	BD DECISION: GRANTED	Jan 30, 2014	
9	COMMR ORDER CANCELLING REG	Feb 04, 2014	
10	TERMINATED	Feb 10, 2014	

Type of Proceeding: Opposition

Proceeding Number: 91209674

Filing Date: Mar 06, 2013

Status: Terminated

Status Date: Jul 03, 2013

Interlocutory Attorney: JENNIFER KRISP

Defendant

Name: Prima-Derm, S.L.

Correspondent Address: KEITH SWEDO  
TAFT STETTINIUS & HOLLISTER LLP  
ONE INDIANA SQUARE, SUITE 3500  
INDIANAPOLIS IN , 46204  
UNITED STATES

Correspondent e-mail: [kstrademarks@taftlaw.com](mailto:kstrademarks@taftlaw.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
SINGULAHEALTH	IR CANCELLED; US APPLICATION ABANDONED	<u>79109448</u>	

Plaintiff(s)

Name: Merck Sharp & Dohme Corp.

Correspondent Address: ANITA B POLOTT  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON DC , 20004  
UNITED STATES

Correspondent e-mail: [apolott@morganlewis.com](mailto:apolott@morganlewis.com) , [jrubel@morganlewis.com](mailto:jrubel@morganlewis.com) , [chowell@morganlewis.com](mailto:chowell@morganlewis.com) , [trademarks@morganlewis.com](mailto:trademarks@morganlewis.com)

Associated marks

Registration

Holaira001640

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Number</b>
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Mar 06, 2013	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 11, 2013	Apr 20, 2013
3	PENDING, INSTITUTED	Mar 11, 2013	
4	NOTICE OF DEFAULT	May 14, 2013	
5	BD DECISION: SUSTAINED	Jul 03, 2013	
6	TERMINATED	Jul 03, 2013	

**Type of Proceeding: Opposition**

**Proceeding Number:** 91183091      **Filing Date:** Mar 20, 2008  
**Status:** Terminated      **Status Date:** Nov 10, 2009  
**Interlocutory Attorney:** ELIZABETH A DUNN

**Defendant**

**Name:** Controlled Management  
**Correspondent Address:** Aaron C. Gundzik  
Cotton Gundzik LLP  
624 South Grand Avenue, 22nd Floor  
Los Angeles CA , 90017  
UNITED STATES  
**Correspondent e-mail:** [agundzik@cglip.com](mailto:agundzik@cglip.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
SINUAIR	Section 8 - Accepted	<u>77168515</u>	<u>3724157</u>

**Plaintiff(s)**

**Name:** Merck & Co., Inc.  
**Correspondent Address:** Debra A. Shelinsky Greene  
Merck & Co., Inc.  
One Merck Drive, P.O. Box 100  
Whitehouse Station NJ , 08889-0100  
UNITED STATES  
**Correspondent e-mail:** [debra\\_greene@merck.com](mailto:debra_greene@merck.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Mar 20, 2008	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 20, 2008	Apr 29, 2008
3	PENDING, INSTITUTED	Mar 20, 2008	
4	ANSWER	May 01, 2008	
5	D'S APPEARANCE OF COUNSEL/POWER OF ATTORNEY	May 01, 2008	
6	BD'S SERVICE OF ANSWER	May 02, 2008	
7	RESPONSE DUE 30 DAYS (DUE DATE)	Oct 08, 2009	Nov 07, 2009
8	WITHDRAWAL OF OPPOSITION	Nov 10, 2009	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Nov 10, 2009	
10	TERMINATED	Nov 10, 2009	

**Type of Proceeding: Opposition**

**Proceeding Number:** 91172023      **Filing Date:** Jul 24, 2006  
**Status:** Terminated      **Status Date:** Apr 18, 2007  
**Interlocutory Attorney:** CHERYL A BUTLER

**Defendant**

**Name:** Cabot Safety Intermediate Corporation

**Correspondent Address:** GEORGE A. PELLETIER, JR.  
CANTOR COLBURN LLP  
55 GRIFFIN RD S  
BLOOMFIELD CT , 06002-1353  
UNITED STATES

**Correspondent e-mail:** [gpelletier@cantorcolburn.com](mailto:gpelletier@cantorcolburn.com), [tm@cantorcolburn.com](mailto:tm@cantorcolburn.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
SINGULAR	Cancelled - Section 8 <b>Plaintiff(s)</b>	<u>78667462</u>	<u>3399567</u>

**Name:** MERCK & CO., Inc.

**Correspondent Address:** DEBRA A SHELINSKY GREENE  
MERCK & CO., INC.  
ONE MERCK DRIVE, P.O. BOX 100  
WHITEHOUSE STATION NJ , 08889-0100  
UNITED STATES

**Correspondent e-mail:** [debra\\_greene@merck.com](mailto:debra_greene@merck.com)

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
SINGULAR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

<b>Entry Number</b>	<b>History Text</b>	<b>Date</b>	<b>Due Date</b>
1	FILED AND FEE	Jul 24, 2006	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jul 26, 2006	Sep 04, 2006
3	PENDING, INSTITUTED	Jul 26, 2006	
4	ANSWER	Sep 05, 2006	
5	STIPULATION FOR AN EXTENSION OF TIME	Feb 08, 2007	
6	EXTENSION OF TIME GRANTED	Feb 08, 2007	
7	MOTION TO AMEND APPLICATION	Apr 09, 2007	
8	WITHDRAWAL OF OPPOSITION	Apr 13, 2007	
9	BOARD'S DECISION: DISMISSED	Apr 18, 2007	
10	TERMINATED	Apr 18, 2007	

**Type of Proceeding: Extension of Time**

**Proceeding Number:** 78667462

**Filing Date:** Apr 27, 2006

**Status:** Terminated

**Status Date:** Aug 02, 2006

**Interlocutory Attorney:**

**Defendant**

**Name:** Cabot Safety Intermediate Corporation

**Correspondent Address:** GEORGE A. PELLETIER, JR.  
CANTOR COLBURN LLP  
55 GRIFFIN RD S  
BLOOMFIELD CT , 06002-1353  
UNITED STATES

**Associated marks**

<b>Mark</b>	<b>Application Status</b>	<b>Serial Number</b>	<b>Registration Number</b>
SINGULAR	Cancelled - Section 8 <b>Potential Opposer(s)</b>	<u>78667462</u>	<u>3399567</u>

**Name:** Merck & Co., Inc.

**Correspondent Address:** Debra A. Shelinsky Greene  
Merck & Co., Inc.  
One Merck Drive, P.O. Box 100  
Whitehouse Station NJ , 08889-0100  
UNITED STATES

**Correspondent e-mail:** [debra\\_greene@merck.com](mailto:debra_greene@merck.com)

**Name:** MERCK & CO., Inc.

**Correspondent Address:** DEBRA A SHELINSKY GREENE

MERCK & CO., INC.  
ONE MERCK DRIVE, P.O. BOX 100  
WHITEHOUSE STATION NJ , 08889-0100  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Apr 27, 2006	
2	EXTENSION OF TIME GRANTED	Apr 27, 2006	

**Type of Proceeding: Opposition**

Proceeding Number: 91122039 Filing Date: Jan 25, 2001  
Status: Terminated Status Date: Mar 14, 2002

Interlocutory Attorney: JYLL S TAYLOR

**Defendant**

Name: SCHERING CORPORATION

Correspondent Address: JOEL WIENER  
SCHERING CORP.  
2000 GALLOPING HILL  
KENILWORTH NJ , 07033  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CLARALAIR	Abandoned - After Inter-Partes Decision	<u>75657408</u>	

**Plaintiff(s)**

Name: MERCK & CO., INC.

Correspondent Address: KEVIN M. DUGAN  
MERCK & CO., INC.  
ONE MERCK DRIVE  
WHITEHOUSE STATION NJ , 08889-0100  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 25, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 20, 2001	Apr 01, 2001
3	PENDING, INSTITUTED	Feb 20, 2001	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Mar 27, 2001	
5	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 30, 2001	
6	SUSPENDED	Jul 11, 2001	
7	ANSWER DUE 3/21/02; TRIAL DATES RESET	Feb 19, 2002	
8	STIPULATION TO ABANDNOMENT SERIAL NO. 75/657,408 & OPPOSITION W/OUT PREJUDICE	Feb 27, 2002	
9	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 14, 2002	
10	TERMINATED	Mar 14, 2002	

**Type of Proceeding: Opposition**

Proceeding Number: 91121744 Filing Date: Jan 22, 2001  
Status: Terminated Status Date: Mar 19, 2002

Interlocutory Attorney: FRANCES S WOLFSON

**Defendant**

Name: SCHERING CORPORATION

Correspondent Address: JOEL WIENER  
SCHERING CORPORATION  
2000 GALLOPING HILL ROAD

KENILWORTH NJ , 07033  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CLARISING	Abandoned - No Statement Of Use Filed	<u>75879340</u>	

**Plaintiff(s)**

Name: MERCK & CO., INC.

Correspondent Address: KEVIN M. DUGAN  
MERCK & CO., INC.  
ONE MERCK DRIVE  
WHITEHOUSE STATION NJ , 08889  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 22, 2001	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Feb 05, 2001	Mar 17, 2001
3	PENDING, INSTITUTED	Feb 05, 2001	
4	DEF'S REQ. FOR EXTENSION OF TIME WITH CO NSENT	Mar 13, 2001	
5	PL'S SUBSTITUTION OF ATTORNEY	Apr 09, 2001	
6	DEF'S REQ. FOR EXT OF TIME TO ANSWER	May 14, 2001	
7	SUSPENDED	Jun 26, 2001	
8	DEF'S REQ. EXT OF TIME WITH CONSENT	Jun 19, 2001	
9	STIP ABANDON AND W/D OF OP	Feb 27, 2002	
10	BD'S DECISION: DISMISSED W/O PREJUDICE	Mar 19, 2002	
11	TERMINATED	Mar 19, 2002	

**Type of Proceeding: Opposition**

Proceeding Number: 91115914

Filing Date: Oct 29, 1999

Status: Terminated

Status Date: Feb 09, 2001

Interlocutory Attorney: PETER W CATALDO

**Defendant**

Name: ASTRA AKTIEBOLAG

Correspondent Address: LLOYD PARODNECK  
TRADEMARK & PATENT COUNSELORS  
OF AMERICA, P.C. 915 BROADWAY  
NEW YORK NY , 10010  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DUPLIXAIR	Abandoned - After Inter-Partes Decision	<u>75564395</u>	

**Plaintiff(s)**

Name: MERCK & CO., INC.

Correspondent Address: RONALD GOULD  
MATHEWS, COLLINS, SHEPHERD & GOULD  
100 THANET CIRCLE, SUITE 306  
PRINCETON NJ , 08540  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
--------------	--------------	------	----------

1	FILED AND FEE	Oct 29, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Nov 15, 1999	Dec 25, 1999
3	PENDING, INSTITUTED	Nov 15, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 16, 1999	
5	PL'S MOT TO CONSOLIDATE W/116,079	Dec 18, 1999	
6	ANSWER	Jan 24, 2000	
7	CONSOLIDATION GRANTED; TRIAL DATES RESET	Mar 23, 2000	
8	P'S REG. FOR SUSPENSION OF PROC W/CONS.	May 15, 2000	
9	SUSPENDED	Jun 01, 2000	
10	WITHDRAWAL OF APPLICATION	Dec 21, 2000	
11	BOARD'S DECISION: SUSTAINED	Feb 09, 2001	
12	TERMINATED	Feb 09, 2001	

**Type of Proceeding: Opposition**

Proceeding Number: 91116079 Filing Date: Oct 13, 1999  
 Status: Terminated Status Date: Feb 09, 2001

Interlocutory Attorney: PETER W CATALDO

**Defendant**

Name: ASTRA AKTIEBOLAG

Correspondent Address: MARK I. PEROFF  
 TRADEMARK & PATENT  
 COUNSELORS OF AMERICA 915 BROADWAY  
 NEW YORK NY , 10010  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
DUPLITAIR	Abandoned - After Inter-Partes Decision	<u>75513538</u>	

**Plaintiff(s)**

Name: MERCK & CO., INC.

Correspondent Address: RONALD GOULD  
 MATHEWS, COLLINS, SHEPHERD & GOULD  
 100 THANET CIRCLE, SUITE 306  
 PRINCETON NJ , 08540  
 UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SINGULAIR	Renewed	<u>74589438</u>	<u>2048127</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Dec 03, 1999	Jan 12, 2000
3	PENDING, INSTITUTED	Dec 03, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Jan 10, 2000	
5	ANSWER	Jan 24, 2000	
6	CONSOLIDATION GRANTED; T D REMAIN AS SET	Mar 23, 2000	
7	WITHDRAWAL APPLICATION	Dec 21, 2000	
8	BOARD'S DECISION: SUSTAINED	Feb 09, 2001	
9	TERMINATED	Feb 09, 2001	

# APPLICANT'S EXHIBIT 35

Generated on: This page was generated by TSDR on 2015-07-02 16:32:23 EDT

Mark: SYLVAIR

# SYLVAIR

**US Serial Number:** 85159030      **Application Filing Date:** Oct. 22, 2010  
**US Registration Number:** 4069614      **Registration Date:** Dec. 13, 2011  
**Register:** Principal  
**Mark Type:** Trademark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Dec. 13, 2011  
**Publication Date:** Sep. 27, 2011

## Mark Information

**Mark Literal Elements:** SYLVAIR  
**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

## Foreign Information

**Priority Claimed:** Yes  
**Foreign Application Number:** 2545990      **Foreign Application Filing Date:** Apr. 22, 2010  
**Foreign Registration Number:** 2545990      **Foreign Registration Date:** Oct. 01, 2010  
**Foreign Application/Registration Country:** UNITED KINGDOM      **Foreign Expiration Date:** Apr. 22, 2020

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

**For:** Inhalers filled with pharmaceutical preparations for prevention, treatment, and/or alleviation of respiratory diseases and disorders

**International Class(es):** 005 - Primary Class      **U.S Class(es):** 006, 018, 044, 046, 051, 052  
**Class Status:** ACTIVE  
**Basis:** 44(e)

## Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> No	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> Yes	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> Yes	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

## Current Owner(s) Information

**Owner Name:** Glaxo Group Limited  
**Owner Address:** 980 Great West Road  
Brentford, Middlesex TW89GS  
UNITED KINGDOM  
**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** UNITED KINGDOM

## Attorney/Correspondence Information

Holaira001614

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**Attorney of Record**

**Attorney Name:** Christopher M. Hanes **Docket Number:** App / SYLVAI  
**Attorney Primary Email Address:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Attorney Email Authorized:** No

**Correspondent**

**Correspondent Name/Address:** CHRISTOPHER M. HANES  
GlaxoSmithKline  
Five Moore Drive  
Legal Global Trademarks, Mailstop: 5.5A  
Research Triangle Park, NORTH CAROLINA 27709-0183  
UNITED STATES  
**Phone:** 919.483.2723 **Fax:** 919.315.3023  
**Correspondent e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Correspondent e-mail Authorized:** Yes

**Domestic Representative**

**Domestic Representative Name:** Christopher M. Hanes **Phone:** 919-483-2723  
**Fax:** 704-625-9190  
**Domestic Representative e-mail:** [trademarks@gsk.com](mailto:trademarks@gsk.com) **Domestic Representative e-mail Authorized:** Yes

---

**Prosecution History**

Date	Description	Proceeding Number
Jun. 23, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 25, 2013	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Mar. 25, 2013	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Dec. 13, 2011	REGISTERED-PRINCIPAL REGISTER	
Sep. 27, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 27, 2011	PUBLISHED FOR OPPOSITION	
Aug. 25, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Aug. 25, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 12, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	74221
Aug. 12, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	74221
Aug. 04, 2011	ASSIGNED TO LIE	74221
Jul. 26, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 04, 2011	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2011	NON-FINAL ACTION E-MAILED	6325
Feb. 04, 2011	NON-FINAL ACTION WRITTEN	73708
Feb. 02, 2011	ASSIGNED TO EXAMINER	73708
Oct. 27, 2010	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Oct. 26, 2010	NEW APPLICATION ENTERED IN TRAM	

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**TM Staff and Location Information****TM Staff Information - None****File Location****Current Location:** PUBLICATION AND ISSUE SECTION**Date in Location:** Dec. 13, 2011

# APPLICANT'S EXHIBIT 36

Generated on: This page was generated by TSDR on 2015-07-02 16:36:02 EDT

Mark: TUDORZA PRESSAIR

TUDORZA PRESSAIR

US Serial Number: 85853924                      Application Filing Date: Feb. 19, 2013  
US Registration Number: 4490481                      Registration Date: Mar. 04, 2014  
Register: Principal  
Mark Type: Trademark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Mar. 04, 2014  
Publication Date: Jul. 16, 2013

## Mark Information

Mark Literal Elements: TUDORZA PRESSAIR  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 3623195, 4028717, 4090022 and others

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Pharmaceutical preparations for the treatment of respiratory system diseases \*, excluding preparations containing medical gases \* [ and disorders ]

International Class(es): 005 - Primary Class

U.S Class(es): 006, 018, 044, 046, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

For: [ Inhalers for medical purposes ] \* Inhalers for use in the administration of pharmaceutical preparations, excluding inhalers that use or dispense gases \*

International Class(es): 010 - Primary Class

U.S Class(es): 026, 039, 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Nov. 30, 2012

Use in Commerce: Nov. 30, 2012

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Almirall, S.A.  
Owner Address: Ronda del General Mitre, 151  
08022 Barcelona  
SPAIN

Holaira001616

Legal Entity Type: CORPORATION

State or Country Where Organized: SPAIN

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Susan Upton Douglass **Docket Number:** LABA 1301488  
**Attorney Primary Email Address:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** SUSAN UPTON DOUGLASS  
FROSS ZELNICK LEHRMAN AND ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK, NEW YORK 10017-1822  
UNITED STATES  
**Phone:** 212-813-5900 **Fax:** 212-813-5901  
**Correspondent e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Susan Upton Douglass **Phone:** 212-813-5900  
**Fax:** 212-813-5901  
**Domestic Representative e-mail:** [sdouglass@frosszelnick.com](mailto:sdouglass@frosszelnick.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Jul. 01, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	76873
Jun. 30, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	76873
Jun. 24, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Mar. 04, 2014	REGISTERED-PRINCIPAL REGISTER	
Jan. 28, 2014	EXTENSION OF TIME TO OPPOSE PROCESS - TERMINATED	
Aug. 09, 2013	EXTENSION OF TIME TO OPPOSE RECEIVED	
Jul. 16, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Jul. 16, 2013	PUBLISHED FOR OPPOSITION	
Jun. 26, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jun. 10, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 03, 2013	ASSIGNED TO EXAMINER	76071
Feb. 26, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Feb. 22, 2013	NEW APPLICATION ENTERED IN TRAM	

## Maintenance Filings or Post Registration Information

**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** In the statement, line 5, after "DISEASES", "AND DISORDERS" is deleted, and EXCLUDING PREPARATIONS CONTAINING MEDICAL GASES is inserted. In the statement, line 7, "INHALERS FOR MEDICAL PURPOSES" is deleted, and INHALERS FOR USE IN THE ADMINISTRATION OF PHARMACEUTICAL PREPARATIONS, EXCLUDING INHALERS THAT USE OR DISPENSE GASES is inserted.

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Jul. 01, 2014

## Proceedings

### Summary

**Number of Proceedings:** 1

**Type of Proceeding:** Extension of Time

**Proceeding Number:** [85853924](#)

**Filing Date:** Aug 09, 2013

Holaira001617

Status: Terminated

Status Date: Jan 28, 2014

Interlocutory Attorney:

**Defendant**

Name: Almirall, S.A.

Correspondent Address: SUSAN UPTON DOUGLASS  
FROSS ZELNICK LEHRMAN AND ZISSU, P.C.  
866 UNITED NATIONS PLZ  
NEW YORK NY , 10017-1822  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
TUDORZA PRESSAIR	Registered	<u>85853924</u>	<u>4490481</u>

**Potential Opposer(s)**

Name: Praxair Technology, Inc.

Correspondent Address: Andrew R.W. Hughes  
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, LLP  
200 South Wacker Drive Suite 2900  
Chicago IL , 60606  
UNITED STATES

Correspondent e-mail: [arh@pattishall.com](mailto:arh@pattishall.com) , [jsi@pattishall.com](mailto:jsi@pattishall.com)

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Aug 09, 2013	
2	EXTENSION OF TIME GRANTED	Aug 09, 2013	
3	INCOMING - EXT TIME TO OPPOSE FILED	Sep 03, 2013	
4	EXTENSION OF TIME GRANTED	Sep 03, 2013	
5	INCOMING - EXT TIME TO OPPOSE FILED	Nov 05, 2013	
6	EXTENSION OF TIME GRANTED	Nov 05, 2013	

# APPLICANT'S EXHIBIT 37

Generated on: This page was generated by TSDR on 2015-07-03 14:51:10 EDT

Mark: VENTILAIR

US Serial Number: 73665774      Application Filing Date: Jun. 10, 1987  
US Registration Number: 1566967      Registration Date: Nov. 21, 1989  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Mar. 28, 2009  
Publication Date: Aug. 29, 1989

## Mark Information

Mark Literal Elements: VENTILAIR  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: MEDICAL AIR COMPRESSOR FOR RESPIRATORY THERAPY

International Class(es): 010 - Primary Class

U.S Class(es): 044

Class Status: ACTIVE

Basis: 1(a)

First Use: Oct. 20, 1986

Use in Commerce: Oct. 20, 1986

## Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: HAMILTON MEDICAL, INC.  
Owner Address: P.O. BOX 30008  
RENO, NEVADA 89520  
UNITED STATES  
Legal Entity Type: CORPORATION      State or Country Where Organized: NEVADA

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: William M. Merone      Docket Number: 27677-2  
Attorney Primary Email: tmdocketdc@kenyon.com      Attorney Email: Yes

Holaira001626

Address: \_\_\_\_\_

Authorized:

**Correspondent**

**Correspondent Name/Address:** William M. Merone  
KENYON & KENYON LLP  
1500 K ST NW  
Suite 700  
WASHINGTON, DISTRICT OF COLUMBIA 20005-1257  
UNITED STATES

**Phone:** 202.220.4200

**Fax:** 202.220.4201

**Correspondent e-mail:** [tmocketdc@kenyon.com](mailto:tmocketdc@kenyon.com)

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

## Prosecution History

Date	Description	Proceeding Number
Mar. 28, 2009	REGISTERED AND RENEWED (SECOND RENEWAL - 10 YRS)	74886
Mar. 28, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Jan. 02, 2009	ASSIGNED TO PARALEGAL	74886
Dec. 03, 2008	CASE FILE IN TICRS	
Dec. 01, 2008	TEAS SECTION 8 & 9 RECEIVED	
Jun. 16, 2000	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	
Jun. 16, 2000	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Nov. 12, 1999	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Jun. 10, 1996	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Nov. 21, 1995	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
Nov. 21, 1989	REGISTERED-PRINCIPAL REGISTER	
Aug. 29, 1989	PUBLISHED FOR OPPOSITION	
Jul. 29, 1989	NOTICE OF PUBLICATION	
Jul. 29, 1989	NOTICE OF PUBLICATION	
Jul. 28, 1989	NOTICE OF PUBLICATION	
Jun. 21, 1989	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	
Jun. 21, 1989	ALLOWANCE/COUNT WITHDRAWN	59000

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

**Renewal Filed:** Yes

**Renewal Date:** Nov. 21, 2009

## TM Staff and Location Information

**TM Staff Information - None**

**File Location**

**Current Location:** POST REGISTRATION

**Date in Location:** Mar. 28, 2009

# APPLICANT'S EXHIBIT 38

Generated on: This page was generated by TSDR on 2015-07-03 14:57:25 EDT

Mark: VITALAIRE



**US Serial Number:** 79078866  
**US Registration Number:** 3882720  
**Register:** Principal  
**Mark Type:** Trademark, Service Mark  
**Status:** Registered. The registration date is used to determine when post-registration maintenance documents are due.  
**Status Date:** Nov. 30, 2010  
**Publication Date:** Sep. 14, 2010

**Application Filing Date:** Oct. 27, 2009  
**Registration Date:** Nov. 30, 2010

## Mark Information

**Mark Literal Elements:** VITALAIRE  
**Standard Character Claim:** No  
**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
**Description of Mark:** The mark consists of the word "VITALAIRE" in blue with the dots in the "I" in orange. There is a stick figure leaping above the wording in orange and a curved line underneath the wording in orange.  
**Color Drawing:** Yes  
**Color(s) Claimed:** The color(s) blue and orange is/are claimed as a feature of the mark.  
**Design Search Code(s):** 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
26.17.13 - Letters or words underlined and/or overlined by one or more strokes or lines; Overlined words or letters; Underlined words or letters

## Related Properties Information

**International Registration Number:** 1028696  
**International Registration Date:** Oct. 27, 2009

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis (()) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*,\* identify additional (new) wording in the goods/services.

**For:** Medical apparatus for treating chronic pathologies, medical apparatus for airway management, medical apparatus for oxygen therapy, for airway ventilation, for diagnosis and treatment of sleep disorders, medical apparatus for oxygen concentration for administering oxygen for medical purposes

**International Class(es):** 010 - Primary Class

**U.S Class(es):** 026, 039, 044

**Class Status:** ACTIVE

**Basis:** 66(a)

**For:** Health services and home care services for providing oxygen therapy, aerosol therapy, treatment of respiratory failure, ventilation therapy, treatment of sleep disorders and the treatment of other chronic pathologies; medical assistance services related to medical care and coordinating follow-up medical care; rental of medical apparatus

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

**Class Status:** ACTIVE

**Basis:** 66(a)

## Basis Information (Case Level)

**Filed Use:** No

**Currently Use:** No

**Amended Use:** No

**Filed ITU:** No

**Currently ITU:** No

**Amended ITU:** No

Holaira001699

Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: Yes	Currently 66A: Yes	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

**Owner Name:** L'AIR LIQUIDE, SOCIÉTÉ ANONYME POUR L'ÉTUDE ET L'EXPLOITATION DES PROCÉDÉS GEORGES CLAUDE  
**Owner Address:** 75 Quai d'Orsay  
F-75007 PARIS  
FRANCE  
**Legal Entity Type:** Société Anonyme  
**State or Country Where Organized:** FRANCE

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Donald R. Naylor, Jr.  
**Attorney Primary Email Address:** [donald.naylor@airliquide.com](mailto:donald.naylor@airliquide.com)  
**Docket Number:** TMA00545  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Donald R. Naylor, Jr.  
Air Liquide USA LLC  
2700 Post Oak Boulevard, Suite 325  
Houston, TEXAS 77056  
UNITED STATES  
**Phone:** 713-624-8149  
**Correspondent e-mail:** [donald.naylor@airliquide.com](mailto:donald.naylor@airliquide.com) [neva.dare-sc@airliquide.com](mailto:neva.dare-sc@airliquide.com)  
**Correspondent e-mail Authorized:** Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Dec. 02, 2014	ATTORNEY REVOKED AND/OR APPOINTED	
Dec. 02, 2014	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 15, 2013	FINAL DECISION TRANSACTION PROCESSED BY IB	
Mar. 30, 2011	FINAL DISPOSITION NOTICE SENT TO IB	
Mar. 30, 2011	FINAL DISPOSITION PROCESSED	67445
Feb. 28, 2011	FINAL DISPOSITION NOTICE CREATED, TO BE SENT TO IB	
Nov. 30, 2010	REGISTERED-PRINCIPAL REGISTER	
Sep. 14, 2010	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 14, 2010	PUBLISHED FOR OPPOSITION	
Aug. 10, 2010	LAW OFFICE PUBLICATION REVIEW COMPLETED	74221
Aug. 10, 2010	ASSIGNED TO LIE	74221
Jul. 24, 2010	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 19, 2010	ATTORNEY REVOKED AND/OR APPOINTED	
Jul. 19, 2010	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jul. 19, 2010	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Jul. 19, 2010	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Jul. 19, 2010	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 03, 2010	REFUSAL PROCESSED BY IB	
Mar. 02, 2010	NON-FINAL ACTION MAILED - REFUSAL SENT TO IB	
Mar. 02, 2010	REFUSAL PROCESSED BY MPU	67445
Mar. 02, 2010	NON-FINAL ACTION (IB REFUSAL) PREPARED FOR REVIEW	
Mar. 02, 2010	APPLICATION FILING RECEIPT MAILED	
Mar. 01, 2010	NON-FINAL ACTION WRITTEN	82088

Feb. 26, 2010 ASSIGNED TO EXAMINER  
Feb. 26, 2010 NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM  
Feb. 25, 2010 SN ASSIGNED FOR SECT 66A APPL FROM IB

82088

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### International Registration Information (Section 66a)

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International Registration Number:	1028696	International Registration Date:	Oct. 27, 2009
Priority Claimed Flag:	Yes	Date of Section 67 Priority Claim:	Apr. 29, 2009
Intl. Registration Status:	REQUEST FOR EXTENSION OF PROTECTION PROCESSED	Date of International Registration Status:	Feb. 25, 2010
Notification of Designation Date:	Feb. 25, 2010	Date of Automatic Protection:	Aug. 25, 2011
International Registration Renewal Date:	Oct. 27, 2019		
First Refusal Flag:	Yes		

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### TM Staff and Location Information

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**TM Staff Information - None**

**File Location**

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Nov. 30, 2010

# APPLICANT'S EXHIBIT 39

Generated on: This page was generated by TSDR on 2015-07-03 14:58:44 EDT

Mark: VITALAIRE

VITALAIRE

US Serial Number: 85797696  
Application Filing Date: Dec. 07, 2012  
US Registration Number: 4654916  
Registration Date: Dec. 16, 2014  
Register: Principal  
Mark Type: Trademark, Service Mark  
Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.  
Status Date: Dec. 16, 2014  
Publication Date: Sep. 30, 2014

## Mark Information

Mark Literal Elements: VITALAIRE  
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.  
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

## Related Properties Information

Claimed Ownership of US Registrations: 1647735, 3882720

## Foreign Information

Foreign Registration Number: 1375588  
Foreign Registration Date: Aug. 11, 1986  
Foreign Application/Registration Country: FRANCE  
Foreign Expiration Date: Aug. 11, 2016

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

For: Medical apparatus for oxygen concentration for medical purposes; medical apparatus, namely, pumps, for infusion therapy

International Class(es): 010 - Primary Class  
U.S Class(es): 026, 039, 044  
Class Status: ACTIVE  
Basis: 44(e)

For: Home health care services for providing oxygen therapy, aerosol therapy, respiratory disease treatment, ventilation therapy, sleep disorder therapy and the treatment of other chronic pathologies; medical assistance services related to medical care

International Class(es): 044 - Primary Class  
U.S Class(es): 100, 101  
Class Status: ACTIVE  
Basis: 44(e)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: Yes
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Holaira001705

Owner Name: L'AIR LIQUIDE SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCEDES GEORGES CLAUDE

Owner Address: 75 QUAI D'ORSAY  
PARIS 75007  
FRANCE

Legal Entity Type: CORPORATION

State or Country Where Organized: FRANCE

## Attorney/Correspondence Information

### Attorney of Record

Attorney Name: Donald R. Naylor, Jr.

Attorney Primary Email Address: [donald.naylor@airliquide.com](mailto:donald.naylor@airliquide.com)

Attorney Email Authorized: Yes

### Correspondent

Correspondent Name/Address: DONALD R. NAYLOR, JR.  
AIR LIQUIDE USA LLC  
2700 POST OAK BLVD STE 325  
HOUSTON, TEXAS 77056-5748  
UNITED STATES

Phone: 713 624 8149

Fax: 713 624 8950

Correspondent e-mail: [donald.naylor@airliquide.com](mailto:donald.naylor@airliquide.com) [alma.tristan@airliquide.com](mailto:alma.tristan@airliquide.com)

Correspondent e-mail Authorized: Yes

### Domestic Representative - Not Found

## Prosecution History

Date	Description	Proceeding Number
Mar. 04, 2015	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Dec. 16, 2014	REGISTERED-PRINCIPAL REGISTER	
Sep. 30, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Sep. 30, 2014	PUBLISHED FOR OPPOSITION	
Sep. 10, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Aug. 05, 2014	CASE RETURNED TO EXAMINATION	70565
Jul. 28, 2014	NOTICE OF ALLOWANCE CANCELLED	70565
Aug. 04, 2014	PETITION TO DIRECTOR - CHANGE BASIS - GRANTED	66600
Jul. 31, 2014	TEAS RESPONSE TO PETITION TO DIRECTOR INQUIRY	
Jul. 06, 2014	PETITION INQUIRY LETTER MAILED	
Jul. 03, 2014	ASSIGNED TO PETITION STAFF	66600
Jun. 30, 2014	TEAS PETITION TO AMEND BASIS RECEIVED	1111
Jan. 28, 2014	NOA E-MAILED - SOU REQUIRED FROM APPLICANT	
Dec. 03, 2013	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Dec. 03, 2013	PUBLISHED FOR OPPOSITION	
Nov. 13, 2013	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 31, 2013	LAW OFFICE PUBLICATION REVIEW COMPLETED	66121
Oct. 31, 2013	ASSIGNED TO LIE	66121
Oct. 16, 2013	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 16, 2013	EXAMINER'S AMENDMENT ENTERED	88888
Oct. 16, 2013	NOTIFICATION OF EXAMINERS AMENDMENT E-MAILED	6328
Oct. 16, 2013	EXAMINERS AMENDMENT E-MAILED	6328
Oct. 16, 2013	EXAMINERS AMENDMENT -WRITTEN	85335
Sep. 26, 2013	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Sep. 25, 2013	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Sep. 25, 2013	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 25, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 25, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 25, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325

Mar. 25, 2013	NON-FINAL ACTION E-MAILED	6325
Mar. 25, 2013	NON-FINAL ACTION WRITTEN	85335
Mar. 25, 2013	ASSIGNED TO EXAMINER	85335
Dec. 20, 2012	NOTICE OF PSEUDO MARK MAILED	
Dec. 19, 2012	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Dec. 11, 2012	NEW APPLICATION ENTERED IN TRAM	

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** PUBLICATION AND ISSUE SECTION

**Date in Location:** Dec. 16, 2014

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 1

**Registrant:** L'AIR LIQUIDE, SOCIÉTÉ ANONYME À  
DIRECTOIRE ET CONSEIL DE SURVEILLANCE  
POUR L'ETUDE ET L'EXPLOITATION DES  
PROCÉDÉS GEORGES CLAUDE

### Assignment 1 of 1

**Conveyance:** CHANGE OF NAME

**Reel/Frame:** 5465/0726

**Pages:** 9

**Date Recorded:** Feb. 25, 2015

**Supporting Documents:** assignment-tm-5465-0726.pdf

### Assignor

**Name:** L'AIR LIQUIDE SOCIETE ANONYME A  
DIRECTOIRE ET CONSEIL DU SURVEILLANCE  
POUR L'ETUDE ET L'EXPLOITATION DES  
PROCEDES GEORGES CLAUDE

**Execution Date:** May 10, 2006

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** FRANCE

### Assignee

**Name:** L'AIR LIQUIDE SOCIETE ANONYME POUR L'ETUDE ET L'EXPLOITATION DES PROCESSES GEORGES CLAUDE

**Legal Entity Type:** CORPORATION

**State or Country Where Organized:** FRANCE

**Address:** 75 QUAI D'ORSAY  
PARIS, FRANCE 75007

### Correspondent

**Correspondent Name:** AIR LIQUIDE USA LLC

**Correspondent Address:** 2700 POST OAK BOULEVARD  
SUITE 325  
HOUSTON, TX 77056

**Domestic Representative - Not Found**

# APPLICANT'S EXHIBIT 40

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Mark: XOLAIR



US Serial Number: 78073589      Application Filing Date: Jul. 12, 2001  
US Registration Number: 2678068      Registration Date: Jan. 21, 2003  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Dec. 08, 2012  
Publication Date: Oct. 29, 2002

## Mark Information

Mark Literal Elements: XOLAIR  
Standard Character Claim: No  
Mark Drawing Type: 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)  
Design Search Code(s): 26.17.09 - Bands, curved; Bars, curved; Curved line(s), band(s) or bar(s); Lines, curved  
27.03.05 - Objects forming letters or numerals

## Foreign Information

Priority Claimed: Yes  
Foreign Application Number: 6302/2001      Foreign Application Filing Date: Jun. 25, 2001  
Foreign Registration Number: 487492      Foreign Registration Date: Jul. 26, 2001  
Foreign Application/Registration Country: SWITZERLAND      Foreign Expiration Date: Jun. 25, 2011

## Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks "\*" identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for use in the treatment of rhinitis

International Class(es): 005 - Primary Class      U.S Class(es): 006, 018, 044, 046, 051, 052  
Class Status: ACTIVE  
Basis: 44(e)

## Basis Information (Case Level)

Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: Yes	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

## Current Owner(s) Information

Owner Name: Novartis AG  
Owner Address: CH-4002  
Basel  
SWITZERLAND  
Legal Entity Type: CORPORATION      State or Country Where: SWITZERLAND

Holaira001672

Organized:

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Maury M. Tepper, III  
**Attorney Primary Email Address:** [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com)  
**Docket Number:** 51653  
**Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Maury M. Tepper, III  
TEPPER & EYSTER, PLLC  
3724 BENSON DRIVE  
RALEIGH, NORTH CAROLINA 27609  
UNITED STATES  
**Phone:** 919-861-8903  
**Fax:** 919-861-8913  
**Correspondent e-mail Authorized:** Yes  
**Correspondent e-mail:** [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com)

### Domestic Representative

**Domestic Representative Name:** Novartis Pharmaceuticals Corporation

## Prosecution History

Date	Description	Proceeding Number
Dec. 08, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Dec. 08, 2012	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
Dec. 08, 2012	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
Dec. 08, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
Nov. 12, 2012	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 17, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Jan. 08, 2009	ASSIGNED TO PARALEGAL	59136
Jan. 06, 2009	TEAS SECTION 8 & 15 RECEIVED	
Jan. 17, 2008	CASE FILE IN TICRS	
Dec. 04, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Jan. 21, 2003	REGISTERED-PRINCIPAL REGISTER	
Oct. 29, 2002	PUBLISHED FOR OPPOSITION	
Oct. 09, 2002	NOTICE OF PUBLICATION	
Jul. 09, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jun. 07, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jun. 07, 2002	PAPER RECEIVED	
May 06, 2002	LETTER OF SUSPENSION MAILED	
Mar. 14, 2002	Sec. 1(B) CLAIM DELETED	77300
Mar. 14, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 26, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 14, 2002	PAPER RECEIVED	
Sep. 17, 2001	NON-FINAL ACTION MAILED	
Sep. 06, 2001	ASSIGNED TO EXAMINER	77300

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

Holaira001673

Renewal Date: Jan. 21, 2013

## TM Staff and Location Information

### TM Staff Information - None File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Dec. 08, 2012

## Proceedings

### Summary

Number of Proceedings: 4

### Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

### Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG  
OLIVE LAW GROUP PLLC  
125 EDINBURGH SOUTH DR STE 100  
CARY NC , 27511 6484  
UNITED STATES

Correspondent e-mail: [jrnifong@olivelawgroup.com](mailto:jrnifong@olivelawgroup.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	

Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III  
TEPPER EYSTER PLLC  
3724 BENSON DR  
RALEIGH NC , 27609  
UNITED STATES

Correspondent e-mail: [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com)

### Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

### Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

### Defendant

Name: Acella Pharmaceuticals, LLC

Holaira001674

**Correspondent Address:** CHARLES W FORLIDAS  
MILLER MARTIN PLLC  
1170 PEACHTREE ST NE FL 8  
ATLANTA GA , 30309  
UNITED STATES

**Correspondent e-mail:** [cforlidas@millermartin.com](mailto:cforlidas@millermartin.com) , [TrademarkNotices@millermartin.com](mailto:TrademarkNotices@millermartin.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	

**Plaintiff(s)**

**Name:** Novartis AG

**Correspondent Address:** MAURY M TEPPER III  
TEPPER EYSTER PLLC  
3724 BENSON DR  
RALEIGH NC , 27609 7321  
UNITED STATES

**Correspondent e-mail:** [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com) , [athomson@teiplaw.com](mailto:athomson@teiplaw.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	

**Type of Proceeding: Opposition**

**Proceeding Number:** 91156491

**Filing Date:** Apr 04, 2003

**Status:** Terminated

**Status Date:** Aug 19, 2003

**Interlocutory Attorney:** ALBERT J ZERVAS

**Defendant**

**Name:** SINCLAIR PHARMA S.R.L.

**Correspondent Address:** JOSEPH J. ORLANDO  
BUCKNAM AND ARCHER  
1077 NORTHERN BLVD  
ROSLYN NY , 11576-1696  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
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SEBCLAIR

Abandoned - No Statement Of Use Filed

76421554

**Plaintiff(s)**

Name: Novartis AG

Correspondent Address: Adam R. Agensky  
c/o Novartis  
One Health Plaza, Corporate Intellectual Property  
East Hanover NJ , 07936-1080  
UNITED STATES

Correspondent e-mail: [steven.hartman@group.novartis.com](mailto:steven.hartman@group.novartis.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Apr 04, 2003	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jun 03, 2003	Jul 13, 2003
3	PENDING, INSTITUTED	Jun 03, 2003	
4	WITHDRAWAL OF OPPOSITION	Aug 04, 2003	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Aug 19, 2003	
6	TERMINATED	Aug 19, 2003	

**Type of Proceeding: Extension of Time**

Proceeding Number: 76421554

Filing Date: Jan 22, 2003

Status: Terminated

Status Date: Jan 22, 2003

Interlocutory Attorney:

**Defendant**

Name: SINCLAIR PHARMA S.R.L.

Correspondent Address: JOSEPH J. ORLANDO  
BUCKNAM AND ARCHER  
1077 NORTHERN BLVD  
ROSLYN NY , 11576-1696  
UNITED STATES

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
SEBCLAIR	Abandoned - No Statement Of Use Filed	<u>76421554</u>	

**Potential Opposer(s)**

Name: Novartis AG

Correspondent Address: Steven H. Hartman  
Novartis AG  
One Health Plaza  
East Hanover NJ , 07936-1080  
UNITED STATES

Correspondent e-mail: [steven.hartman@group.novartis.com](mailto:steven.hartman@group.novartis.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	INCOMING - EXT TIME TO OPPOSE FILED	Jan 21, 2003	
2	EXTENSION OF TIME GRANTED	Jan 22, 2003	
3	INCOMING - EXT TIME TO OPPOSE FILED	Mar 05, 2003	
4	EXTENSION OF TIME GRANTED	Mar 14, 2003	

# APPLICANT'S EXHIBIT 41

Generated on: This page was generated by TSDR on 2015-07-03 14:54:39 EDT

Mark: XOLAIR

US Serial Number: 78109911                      Application Filing Date: Feb. 20, 2002  
US Registration Number: 2707154                      Registration Date: Apr. 15, 2003  
Register: Principal  
Mark Type: Trademark  
Status: The registration has been renewed.  
Status Date: Mar. 01, 2013  
Publication Date: Jan. 21, 2003

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## Mark Information

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Mark Literal Elements: XOLAIR  
Standard Character Claim: No  
Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

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## Foreign Information

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Foreign Registration Number: 489088                      Foreign Registration Date: Sep. 13, 2001  
Foreign Application/Registration Country: SWITZERLAND                      Foreign Expiration Date: Aug. 23, 2011

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## Goods and Services

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Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*...\* identify additional (new) wording in the goods/services.

For: pharmaceutical preparations for use in the treatment of rhinitis

International Class(es): 005 - Primary Class                      U.S Class(es): 006, 018, 044, 046, 051, 052  
Class Status: ACTIVE  
Basis: 44(e)

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## Basis Information (Case Level)

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Filed Use: No	Currently Use: No	Amended Use: No
Filed ITU: Yes	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: Yes	Currently 44E: Yes	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

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## Current Owner(s) Information

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Owner Name: Novartis AG  
Owner Address: CH-4002  
Basel  
SWITZERLAND  
Legal Entity Type: CORPORATION                      State or Country Where Organized: SWITZERLAND

Holaira001677

## Attorney/Correspondence Information

### Attorney of Record

**Attorney Name:** Maury M. Tepper, III **Docket Number:** 51653  
**Attorney Primary Email Address:** [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com) **Attorney Email Authorized:** Yes

### Correspondent

**Correspondent Name/Address:** Maury M. Tepper, III  
TEPPER & EYSTER, PLLC  
3724 BENSON DRIVE  
RALEIGH, NORTH CAROLINA 27609  
UNITED STATES  
**Phone:** 919-861-8903 **Fax:** 919-861-8913  
**Correspondent e-mail:** [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com) **Correspondent e-mail Authorized:** Yes

### Domestic Representative

**Domestic Representative Name:** Novartis Pharmaceuticals Corporation **Phone:** 908/522-6941  
**Fax:** 908/522-6944  
**Domestic Representative e-mail:** [steven.hartman@pharma.novartis.com](mailto:steven.hartman@pharma.novartis.com) **Domestic Representative e-mail Authorized:** Yes

## Prosecution History

Date	Description	Proceeding Number
Mar. 01, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 01, 2013	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	68502
Mar. 01, 2013	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	68502
Mar. 01, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68502
Feb. 18, 2013	TEAS SECTION 8 & 9 RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jun. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Apr. 19, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	59136
Jan. 08, 2009	ASSIGNED TO PARALEGAL	59136
Jan. 06, 2009	TEAS SECTION 8 & 15 RECEIVED	
Mar. 20, 2008	CASE FILE IN TICRS	
Dec. 04, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Nov. 18, 2004	PAPER RECEIVED	
Apr. 15, 2003	REGISTERED-PRINCIPAL REGISTER	
Jan. 21, 2003	PUBLISHED FOR OPPOSITION	
Jan. 01, 2003	NOTICE OF PUBLICATION	
Nov. 18, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 23, 2002	Sec. 1(B) CLAIM DELETED	76869
Oct. 23, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Oct. 23, 2002	PAPER RECEIVED	
Oct. 10, 2002	ASSIGNED TO EXAMINER	76463
Jun. 02, 2002	NON-FINAL ACTION E-MAILED	
Jun. 02, 2002	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Jun. 02, 2002	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 31, 2002	ASSIGNED TO EXAMINER	78327

## Maintenance Filings or Post Registration Information

**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of** Section 15 - Accepted

Incontestability:

Renewal Date: Apr. 15, 2013

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 01, 2013

## Proceedings

### Summary

Number of Proceedings: 2

### Type of Proceeding: Opposition

Proceeding Number: 91203110

Filing Date: Dec 22, 2011

Status: Terminated

Status Date: Jan 31, 2012

Interlocutory Attorney: ELIZABETH WINTER

#### Defendant

Name: Medox Healthcare, Inc.

Correspondent Address: JUSTIN R NIFONG  
OLIVE LAW GROUP PLLC  
125 EDINBURGH SOUTH DR STE 100  
CARY NC , 27511 6484  
UNITED STATES

Correspondent e-mail: [jrnifong@olivelawgroup.com](mailto:jrnifong@olivelawgroup.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
LOXAIR	Abandoned - After Inter-Partes Decision	<u>85358996</u>	

#### Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III  
TEPPER EYSTER PLLC  
3724 BENSON DR  
RALEIGH NC , 27609  
UNITED STATES

Correspondent e-mail: [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com)

#### Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>

#### Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 22, 2011	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Dec 22, 2011	Jan 31, 2012
3	PENDING, INSTITUTED	Dec 22, 2011	
4	WITHDRAWAL OF APPLICATION	Jan 23, 2012	
5	BD'S DECISION: DISMISSED W/O PREJUDICE	Jan 31, 2012	
6	TERMINATED	Jan 31, 2012	

### Type of Proceeding: Opposition

Proceeding Number: 91196900

Filing Date: Oct 13, 2010

Status: Terminated

Status Date: Sep 07, 2011

Interlocutory Attorney: ROBERT COGGINS

#### Defendant

Holaira001679

Name: Acella Pharmaceuticals, LLC

Correspondent Address: CHARLES W FORLIDAS  
MILLER MARTIN PLLC  
1170 PEACHTREE ST NE FL 8  
ATLANTA GA , 30309  
UNITED STATES

Correspondent e-mail: [cforlidas@millermartin.com](mailto:cforlidas@millermartin.com) , [TrademarkNotices@millermartin.com](mailto:TrademarkNotices@millermartin.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAFIN	Abandoned - After Inter-Partes Decision	<u>77893681</u>	

Plaintiff(s)

Name: Novartis AG

Correspondent Address: MAURY M TEPPER III  
TEPPER EYSTER PLLC  
3724 BENSON DR  
RALEIGH NC , 27609 7321  
UNITED STATES

Correspondent e-mail: [mtepper@teiplaw.com](mailto:mtepper@teiplaw.com) , [athomson@teiplaw.com](mailto:athomson@teiplaw.com)

Associated marks

Mark	Application Status	Serial Number	Registration Number
XOLAIR	Renewed	<u>78073589</u>	<u>2678068</u>
XOLAIR	Renewed	<u>78109911</u>	<u>2707154</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78296612</u>	<u>3086141</u>
XOLAIR	Section 8 and 15 - Accepted and Acknowledged	<u>78269788</u>	<u>2998978</u>

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Oct 13, 2010	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Oct 14, 2010	Nov 23, 2010
3	PENDING, INSTITUTED	Oct 14, 2010	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Nov 22, 2010	
5	EXTENSION OF TIME GRANTED	Nov 22, 2010	
6	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	Dec 22, 2010	
7	EXTENSION OF TIME GRANTED	Dec 22, 2010	
8	CHANGE OF CORRESPONDENCE ADDRESS	Jan 21, 2011	
9	ANSWER	Jan 21, 2011	
10	DATES REMAIN AS SET	Jan 25, 2011	
11	AMENDMENT AND WITHDRAWAL	Jul 14, 2011	
12	MOTION TO AMEND; DENIED; DATES REMAIN AS SET	Aug 03, 2011	
13	WITHDRAWAL OF APPLICATION	Aug 17, 2011	
14	BD'S DECISION: DISMISSED W/O PREJUDICE	Sep 07, 2011	
15	TERMINATED	Sep 07, 2011	